

1-1 By: Nichols, et al. S.B. No. 621
 1-2 (In the Senate - Filed February 27, 2019; March 1, 2019,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 March 21, 2019, reported favorably by the following vote: Yeas 6,
 1-5 Nays 3; March 21, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13	X			
1-14	X			
1-15		X		
1-16		X		

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the transfer of the regulation of plumbing to the Texas
 1-20 Department of Licensing and Regulation, following recommendations
 1-21 of the Sunset Advisory Commission; requiring an occupational
 1-22 license; authorizing a fee.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 1301.002, Occupations Code, is amended
 1-25 by amending Subdivisions (1), (1-a), (1-b), (2), (3), (4), (5),
 1-26 (6), (8), (9), (10), and (11) and adding Subdivisions (1-c) and
 1-27 (7-a) to read as follows:

1-28 (1) "Advisory board" [~~"Board"~~] means the Texas [~~State~~
 1-29 ~~Board of~~] Plumbing Advisory Board established under Subchapter C
 1-30 [~~Examiners~~].

1-31 (1-a) "Commission" means the Texas Commission of
 1-32 Licensing and Regulation.

1-33 (1-b) "Control valve" means a valve that operates each
 1-34 time water is supplied to, or shut off from, a receptacle or
 1-35 plumbing fixture. The term does not include a stop valve that may
 1-36 be installed in the water supply branch to the control valve.

1-37 (1-c) "Department" means the Texas Department of
 1-38 Licensing and Regulation.

1-39 (2) [~~(1-b)~~] "Executive director" means the executive
 1-40 director of the department [~~Texas State Board of Plumbing~~
 1-41 ~~Examiners~~].

1-42 (3) "Drain cleaning" [~~(2) "Drain cleaner"~~] means [a
 1-43 ~~person who~~]:

1-44 (A) installing [~~has completed at least 4,000~~
 1-45 ~~hours working under the supervision of a responsible master plumber~~
 1-46 ~~as a drain cleaner-restricted registrant,~~

1-47 [~~(B) has fulfilled the requirements of and is~~
 1-48 ~~registered with the board, and~~

1-49 [~~(C) installs~~] cleanouts and removing [~~removes~~]
 1-50 and resetting [~~resets~~] p-traps to eliminate obstructions in
 1-51 building drains and sewers under the supervision of a [~~responsible~~]
 1-52 master plumber; or

1-53 (B) clearing [~~-~~]
 1-54 [~~(3) "Drain cleaner-restricted registrant" means a~~
 1-55 ~~person who:~~

1-56 [~~(A) has worked as a plumber's apprentice under~~
 1-57 ~~the supervision of a responsible master plumber,~~

1-58 [~~(B) has fulfilled the requirements of and is~~
 1-59 ~~registered with the board, and~~

1-60 [~~(C) clears~~] obstructions in sewer and drain
 1-61 lines through any code-approved existing opening under the

2-1 supervision of a [~~responsible~~] master plumber.

2-2 (4) "Journeyman plumber" means a person licensed under

2-3 this chapter who:

2-4 (A) has met the qualifications for registration

2-5 as a plumber's apprentice or for licensing as a tradesman

2-6 plumber-limited license holder;

2-7 (B) has completed at least 8,000 hours working

2-8 under the supervision of a [~~responsible~~] master plumber;

2-9 (C) installs, changes, repairs, services, or

2-10 renovates plumbing or supervises any of those activities under the

2-11 supervision of a [~~responsible~~] master plumber;

2-12 (D) has passed the required examination; and

2-13 (E) has fulfilled the other requirements of the

2-14 commission [~~board~~].

2-15 (5) "Master plumber" means a person licensed under

2-16 this chapter who:

2-17 (A) is skilled in the design, planning, and

2-18 superintending of plumbing and in the practical installation,

2-19 repair, and servicing of plumbing;

2-20 (B) has worked as a journeyman plumber:

2-21 (i) for at least four years; or

2-22 (ii) for at least one year and has

2-23 successfully completed a training program approved by the United

2-24 States Department of Labor Office of Apprenticeship or another

2-25 nationally recognized apprentice training program accepted by the

2-26 commission [~~board~~];

2-27 (C) performs or supervises plumbing work;

2-28 (D) has passed the required examination; and

2-29 (E) has fulfilled the other requirements of the

2-30 commission [~~board~~].

2-31 (6) "Plumber's apprentice" means a person other than a

2-32 master plumber, journeyman plumber, or tradesman plumber-limited

2-33 license holder who:

2-34 (A) [~~7~~] as the person's principal occupation,

2-35 learns about and assists in the installation of plumbing, including

2-36 drain cleaning and residential utilities installation;

2-37 (B) has fulfilled the requirements of the

2-38 commission and is registered by the department; [~~board~~], and

2-39 (C) works under the supervision of a

2-40 [~~responsible~~] master plumber [~~and the direct supervision of a~~

2-41 ~~licensed plumber~~].

2-42 (7-a) "Plumbing contractor" means a person licensed as

2-43 a plumbing contractor under this chapter who:

2-44 (A) is a master plumber, or employs a master

2-45 plumber, for the purpose of offering and performing plumbing work

2-46 that will be performed or supervised by the master plumber;

2-47 (B) is authorized to obtain permits for plumbing

2-48 work;

2-49 (C) assumes responsibility for plumbing work

2-50 performed for compensation paid to the person; and

2-51 (D) has submitted a certificate of insurance as

2-52 required by Section 1301.3576.

2-53 (8) "Plumbing inspector" means a person who:

2-54 (A) is employed by a political subdivision or

2-55 state agency, or contracts as an independent contractor with a

2-56 political subdivision or state agency, to inspect plumbing in

2-57 connection with health and safety laws, including ordinances, and

2-58 plumbing and gas codes;

2-59 (B) has passed the required examination; and

2-60 (C) has fulfilled the other requirements of the

2-61 commission [~~board~~].

2-62 (9) "Residential utilities installation"

2-63 [~~"Residential utilities installer"~~] means constructing and

2-64 installing [~~a person who:~~

2-65 (A) ~~has completed at least 2,000 hours working~~

2-66 ~~under the supervision of a master plumber as a plumber's~~

2-67 ~~apprentice;~~

2-68 (B) ~~has fulfilled the requirements of and is~~

2-69 ~~registered with the board; and~~

3-1 [~~(C) constructs and installs~~] yard water service
 3-2 piping for one-family or two-family dwellings and building sewers
 3-3 under the supervision of a [~~responsible~~] master plumber.

3-4 (10) "Tradesman plumber-limited license holder" means
 3-5 a person who:

3-6 (A) has completed at least 4,000 hours working
 3-7 under the [~~direct~~] supervision of a [~~journeyman or~~] master plumber
 3-8 as a plumber's apprentice;

3-9 (B) has passed the required examination;

3-10 (C) constructs and installs plumbing for
 3-11 one-family or two-family dwellings under general [~~the~~] supervision
 3-12 [~~of a responsible master plumber~~]; and

3-13 (D) has fulfilled the other requirements of the
 3-14 commission [~~board~~].

3-15 (11) "Water supply protection specialist" means a
 3-16 person who holds an endorsement issued by the department [~~board~~] to
 3-17 engage in:

3-18 (A) customer service inspections, as defined by
 3-19 rule of the Texas Commission on Environmental Quality; and

3-20 (B) the installation, service, and repair of
 3-21 plumbing associated with the treatment, use, and distribution use
 3-22 of rainwater to supply a plumbing fixture or appliance.

3-23 SECTION 2. Sections 1301.056 and 1301.057, Occupations
 3-24 Code, are amended to read as follows:

3-25 Sec. 1301.056. LAWN IRRIGATION SYSTEMS. A person licensed
 3-26 by the department under this chapter [~~board~~] is not required to be
 3-27 licensed by another board or agency to install or work on a lawn
 3-28 irrigation system.

3-29 Sec. 1301.057. SELF-HELP PROJECT. (a) A person is not
 3-30 required to be licensed under this chapter to perform plumbing,
 3-31 limited to the provision of a residential potable water supply or
 3-32 residential sanitary sewer connection, for a project that:

3-33 (1) is in a county a part of which is within 50 miles of
 3-34 an international border; and

3-35 (2) is performed by an organization that:

3-36 (A) is certified by the Texas [~~Natural Resource~~
 3-37 ~~Conservation~~] Commission on Environmental Quality to provide
 3-38 self-help project assistance; and

3-39 (B) provides the department [~~board~~] with the
 3-40 following information before the 30th day before the date the
 3-41 project begins:

3-42 (i) the exact location of the project;

3-43 (ii) the intended duration of the project;

3-44 and

3-45 (iii) other information the department
 3-46 [~~board~~] requires.

3-47 (b) The department [~~board~~] may require under Subsection
 3-48 (a)(2)(B)(iii) that the organization provide a post-construction
 3-49 report signed by a plumbing inspector stating that the plumbing is
 3-50 safe.

3-51 (c) The department [~~board~~] may provide training to an
 3-52 organization that provides self-help project assistance under this
 3-53 section.

3-54 SECTION 3. The heading to Subchapter C, Chapter 1301,
 3-55 Occupations Code, is amended to read as follows:

3-56 SUBCHAPTER C. TEXAS [~~STATE BOARD OF~~] PLUMBING ADVISORY BOARD
 3-57 [~~EXAMINERS~~]

3-58 SECTION 4. Section 1301.151, Occupations Code, is amended
 3-59 to read as follows:

3-60 Sec. 1301.151. TEXAS [~~STATE BOARD OF~~] PLUMBING ADVISORY
 3-61 BOARD [~~EXAMINERS~~] MEMBERSHIP. (a) The Texas [~~State Board of~~]
 3-62 Plumbing Advisory Board [~~Examiners~~] consists of nine members
 3-63 appointed by the presiding officer of the commission, with
 3-64 commission approval, [~~governor with the advice and consent of the~~
 3-65 ~~senate~~] as follows:

3-66 (1) one member who has at least 10 years' practical
 3-67 experience and is licensed as a master plumber;

3-68 (2) one member who has at least five years' practical
 3-69 experience and is licensed as a journeyman plumber;

4-1 (3) one member who has at least five years' practical
4-2 experience and is licensed as a plumbing inspector;

4-3 (4) one member who is [~~has been~~] a plumbing contractor
4-4 [~~responsible master plumber for at least five years with at least 10~~
4-5 ~~years' experience as a licensed journeyman plumber or master~~
4-6 ~~plumber~~];

4-7 (5) one member who is a licensed engineer practicing
4-8 in the field of plumbing engineering;

4-9 (6) two members who are building contractors with at
4-10 least five years' contracting experience, one of whom is
4-11 principally engaged in home building and one of whom is principally
4-12 engaged in commercial building; [~~and~~]

4-13 (7) one member who is a licensed plumber; and

4-14 (8) one member [~~two members~~] who represents
4-15 [~~represent~~] the public.

4-16 (b) Each member of the advisory board must be a United
4-17 States citizen.

4-18 (c) Appointments to the advisory board shall be made without
4-19 regard to the race, color, disability, sex, religion, age, or
4-20 national origin of the appointee.

4-21 (d) Chapter 2110, Government Code, does not apply to the
4-22 composition or duration of the advisory board or to the appointment
4-23 of the advisory board's presiding officer.

4-24 SECTION 5. Section 1301.152, Occupations Code, is amended
4-25 to read as follows:

4-26 Sec. 1301.152. ELIGIBILITY OF PUBLIC MEMBER [~~MEMBERS~~]. A
4-27 person is not eligible for appointment as a public member of the
4-28 advisory board if the person or the person's spouse:

4-29 (1) is licensed by an occupational regulatory agency
4-30 in the building construction industry;

4-31 (2) is employed by or participates in the management
4-32 of an agency or business entity related to the building
4-33 construction industry; or

4-34 (3) has, other than as a consumer, a financial
4-35 interest in a business entity related to the building construction
4-36 industry.

4-37 SECTION 6. Section 1301.154, Occupations Code, is amended
4-38 to read as follows:

4-39 Sec. 1301.154. TERMS. Advisory board [~~Board~~] members serve
4-40 staggered six-year terms.

4-41 SECTION 7. Section 1301.157, Occupations Code, is amended
4-42 to read as follows:

4-43 Sec. 1301.157. OFFICER [~~OFFICERS~~]. [~~(a)~~] The presiding
4-44 officer of the commission [~~governor~~] shall designate a member of
4-45 the advisory board as the presiding officer of the board to serve in
4-46 that capacity at the pleasure of the presiding officer of the
4-47 commission [~~governor~~].

4-48 [~~(b) The board shall elect a secretary from its membership.~~]

4-49 SECTION 8. Section 1301.158, Occupations Code, is amended
4-50 to read as follows:

4-51 Sec. 1301.158. COMPENSATION [~~PER DIEM; REIMBURSEMENT~~]. An
4-52 advisory [~~(a) A~~] board member may not receive compensation [~~a~~
4-53 ~~fixed salary~~] for service on the advisory board.

4-54 [~~(b) A board member is entitled to receive a per diem as set~~
4-55 ~~by the General Appropriations Act for each day the member engages in~~
4-56 ~~the business of the board.~~]

4-57 [~~(c) A board member may not receive reimbursement for travel~~
4-58 ~~expenses, including expenses for meals and lodging, other than~~
4-59 ~~transportation expenses. A member is entitled to reimbursement for~~
4-60 ~~transportation expenses as provided by the General Appropriations~~
4-61 ~~Act.~~]

4-62 SECTION 9. Subchapter C, Chapter 1301, Occupations Code, is
4-63 amended by adding Section 1301.160 to read as follows:

4-64 Sec. 1301.160. DUTIES OF ADVISORY BOARD. The advisory
4-65 board shall provide advice and recommendations to the department on
4-66 technical matters relevant to the administration and enforcement of
4-67 this chapter, including examinations, licensing qualifications,
4-68 plumbing code requirements, and continuing education requirements.

4-69 SECTION 10. The heading to Subchapter D, Chapter 1301,

5-1 Occupations Code, is amended to read as follows:

5-2 SUBCHAPTER D. DEPARTMENT [~~EXECUTIVE DIRECTOR AND OTHER BOARD~~]
5-3 PERSONNEL

5-4 SECTION 11. Section 1301.202, Occupations Code, is amended
5-5 to read as follows:

5-6 Sec. 1301.202. CERTAIN PLUMBING EXAMINERS [~~EXAMINER~~].

5-7 (a) If an examination required for the issuance of a license,
5-8 endorsement, or certificate of registration under this chapter
5-9 contains a practical component, the department [~~The board~~] shall
5-10 employ or contract with one or more plumbing examiners to
5-11 administer that portion of the examination. [~~A plumbing examiner~~
5-12 ~~serves at the will of the board.~~] A plumbing examiner must:

5-13 (1) hold a license as a plumber issued under this
5-14 chapter; and

5-15 (2) be knowledgeable of this chapter and municipal
5-16 ordinances relating to plumbing[~~, and~~

5-17 [~~(3) be qualified by experience and training in~~
5-18 ~~plumbing practice~~].

5-19 (b) A plumbing examiner shall:

5-20 (1) examine the fitness and qualifications of a person
5-21 applying to the department [~~board~~] for a license as a master
5-22 plumber, journeyman plumber, tradesman plumber-limited license
5-23 holder, or plumbing inspector; and

5-24 (2) promptly certify the result of the examination to
5-25 the department [~~board~~].

5-26 SECTION 12. Section 1301.203, Occupations Code, is amended
5-27 to read as follows:

5-28 Sec. 1301.203. FIELD REPRESENTATIVE; INSPECTIONS.

5-29 (a) The department [~~board~~] may employ a field representative to
5-30 assist the department [~~board~~] in enforcing this chapter and rules
5-31 adopted under this chapter. A field representative must[~~-~~

5-32 [~~(1) hold a license as a plumber under this chapter;~~

5-33 [~~(2)] be knowledgeable of this chapter and municipal~~
5-34 ~~ordinances relating to plumbing[~~, and~~~~

5-35 [~~(3) be qualified by experience and training in~~
5-36 ~~plumbing practice~~].

5-37 (b) A field representative may:

5-38 (1) conduct on-site license checks to determine
5-39 compliance with this chapter;

5-40 (2) investigate consumer complaints [~~filed under~~
5-41 ~~Section 1301.303~~]; and

5-42 (3) assist municipal plumbing inspectors in enforcing
5-43 this chapter[~~-~~

5-44 [~~(4) issue citations as provided by Section 1301.502;~~
5-45 ~~and~~

5-46 [~~(5) in the performance of the field representative's~~
5-47 ~~other duties under this chapter, check the license, registration,~~
5-48 ~~or endorsement of a person regulated by the Texas Department of~~
5-49 ~~Licensing and Regulation in accordance with the memorandum of~~
5-50 ~~understanding adopted under Section 1301.259 and report any~~
5-51 ~~noncompliance to that agency~~].

5-52 SECTION 13. The heading to Subchapter E, Chapter 1301,
5-53 Occupations Code, is amended to read as follows:

5-54 SUBCHAPTER E. [~~BOARD~~] POWERS AND DUTIES

5-55 SECTION 14. Sections 1301.251 and 1301.253, Occupations
5-56 Code, are amended to read as follows:

5-57 Sec. 1301.251. GENERAL DUTIES [~~OF BOARD~~]. The executive
5-58 director or commission, as appropriate, [~~board~~] shall:

5-59 (1) administer this chapter; and

5-60 (2) adopt and enforce rules necessary to administer
5-61 this chapter, including requirements for the issuance and renewal
5-62 of a license, endorsement, or certificate of registration under
5-63 this chapter[~~, and~~

5-64 [~~(3) keep a record of each proceeding conducted before~~
5-65 ~~and action taken by the board~~].

5-66 Sec. 1301.253. FEEES. The commission [~~board~~] shall set fees
5-67 under this chapter in amounts that are reasonable and necessary to
5-68 cover the cost of administering this chapter.

5-69 SECTION 15. Sections 1301.255(a), (b), (c), and (d),

6-1 Occupations Code, are amended to read as follows:

6-2 (a) The commission [~~board~~] shall adopt the following
6-3 plumbing codes, as those codes existed on May 31, 2001:

6-4 (1) the Uniform Plumbing Code, as published by the
6-5 International Association of Plumbing and Mechanical Officials;
6-6 and

6-7 (2) the International Plumbing Code, as published by
6-8 the International Code Council.

6-9 (b) The commission [~~board~~] by rule may adopt later editions
6-10 of the plumbing codes listed in Subsection (a).

6-11 (c) Plumbing installed in an area not otherwise subject to
6-12 regulation under this chapter by a person licensed under this
6-13 chapter must be installed in accordance with a plumbing code
6-14 adopted by the commission [~~board~~] under Subsection (a) or (b).

6-15 (d) In adopting a code for the design, installation, and
6-16 maintenance of a plumbing system under this section, a municipality
6-17 or an owner of a public water system may amend any provisions of the
6-18 code to conform to local concerns that do not substantially vary
6-19 from commission [~~board~~] rules or other rules of this state.

6-20 SECTION 16. Section 1301.262, Occupations Code, is amended
6-21 to read as follows:

6-22 Sec. 1301.262. CODES [PLUMBING INSPECTOR CODE] OF CONDUCT.

6-23 (a) The commission [~~board~~] by rule shall establish a code of
6-24 conduct for licensed plumbing inspectors. The code of conduct
6-25 shall require a plumbing inspector to enforce this chapter and
6-26 commission [~~board~~] rules in a consistent manner across job sites.

6-27 (b) The commission by rule may establish standards of
6-28 conduct for a holder of a license, endorsement, or certificate of
6-29 registration issued under this chapter.

6-30 SECTION 17. Subchapter E, Chapter 1301, Occupations Code,
6-31 is amended by adding Section 1301.263 to read as follows:

6-32 Sec. 1301.263. EXAMINATION ADMINISTRATION AND CONTENT.

6-33 (a) The department shall recognize, prepare, administer, or
6-34 arrange for the administration of an examination required by this
6-35 chapter.

6-36 (b) The department shall determine the minimum requirements
6-37 and passing score for an examination required by this chapter.

6-38 (c) If an examination required by this chapter contains a
6-39 practical component, the practical component must be administered
6-40 by a plumbing examiner as provided by Section 1301.202.

6-41 SECTION 18. The heading to Subchapter F, Chapter 1301,
6-42 Occupations Code, is amended to read as follows:

6-43 SUBCHAPTER F. PRACTICE BY LICENSE HOLDER [CONSUMER INTEREST
6-44 INFORMATION AND COMPLAINT PROCEDURES]

6-45 SECTION 19. Section 1301.302, Occupations Code, is amended
6-46 to read as follows:

6-47 Sec. 1301.302. CONTRACT INFORMATION; REQUIRED DOCUMENTS. A
6-48 written proposal, invoice, or contract relating to plumbing
6-49 services performed by or under the direction of a plumber licensed
6-50 under this chapter must contain the name and license number of the
6-51 plumbing contractor [~~responsible master plumber~~] and the name,
6-52 mailing address, and telephone number of the department [~~board~~].
6-53 The person who performed the services shall give the customer an
6-54 invoice or completed contract document on completion of the job,
6-55 regardless of whether the person charged a fee for performing the
6-56 services.

6-57 SECTION 20. Subchapter F, Chapter 1301, Occupations Code,
6-58 is amended by adding Section 1301.305 to read as follows:

6-59 Sec. 1301.305. SUPERVISION RULES; RESPONSIBILITY FOR
6-60 PLUMBING WORK. (a) The commission by rule shall:

6-61 (1) require that, for each task involved in plumbing,
6-62 a master plumber:

6-63 (A) perform the task; or

6-64 (B) provide general or direct supervision of a
6-65 less experienced plumber who performs the task;

6-66 (2) require that each plumber's apprentice and
6-67 tradesman plumber-limited license holder perform plumbing under
6-68 the direct or general supervision of a more experienced plumber;

6-69 (3) specify the plumbing tasks that a plumber's

7-1 apprentice or tradesman plumber-limited license holder must
 7-2 perform under direct supervision and the plumbing tasks a plumber's
 7-3 apprentice or tradesman plumber-limited license holder must
 7-4 perform under general supervision;

7-5 (4) specify the amount of classroom training meeting
 7-6 the requirements of Subsection (b), practical plumbing experience,
 7-7 or a combination of that training and experience necessary to:

7-8 (A) exempt a plumber from the direct supervision
 7-9 requirements under this section; and

7-10 (B) permit the plumber to perform the plumbing
 7-11 under general supervision;

7-12 (5) require a plumber, other than a master plumber, to
 7-13 document the plumber's:

7-14 (A) classroom training that meets the
 7-15 requirements of Subsection (b); and

7-16 (B) practical plumbing experience; and

7-17 (6) require the plumbing contractor, and supervising
 7-18 plumber, if any, to assume responsibility for plumbing performed,
 7-19 including the quality of the plumbing and the supervision of less
 7-20 experienced plumbers.

7-21 (b) Notwithstanding the minimum requirements for a
 7-22 continuing education program or instructor established under this
 7-23 chapter, the commission by rule shall establish minimum
 7-24 requirements for classroom training, other than a continuing
 7-25 education program under this chapter, that, if successfully
 7-26 completed and documented by a plumber, the department shall credit
 7-27 toward:

7-28 (1) the necessary classroom training required to:

7-29 (A) exempt the plumber from the direct
 7-30 supervision requirements under this section; and

7-31 (B) permit the plumber to perform specified
 7-32 plumbing tasks under general supervision;

7-33 (2) the continuing education required under this
 7-34 chapter to renew a license, endorsement, or certificate of
 7-35 registration, as applicable to the plumber; and

7-36 (3) the eligibility requirements for a license under
 7-37 this chapter, as applicable to the plumber.

7-38 SECTION 21. Sections 1301.351(a), (a-1), and (c),
 7-39 Occupations Code, are amended to read as follows:

7-40 (a) A person [~~other than a responsible master plumber,~~] may
 7-41 not perform or offer to perform [~~engage in~~] plumbing for
 7-42 compensation unless:

7-43 (1) the person holds:

7-44 (A) a plumbing contractor license; and

7-45 (B) the proper license, endorsement, or
 7-46 certificate of registration [~~, or endorsement~~] required by this
 7-47 chapter to perform or supervise the performance of plumbing; [~~and~~]

7-48 (2) the person:

7-49 (A) is employed by a plumbing contractor;

7-50 (B) performs or supervises the plumbing on behalf
 7-51 of the plumbing contractor; and

7-52 (C) holds the proper license, endorsement, or
 7-53 certificate of registration required by this chapter; or

7-54 (3) the person offers to perform plumbing and
 7-55 contracts with a plumbing contractor for the performance of the
 7-56 plumbing [~~the person's work is supervised and controlled by a~~
 7-57 person licensed under this chapter].

7-58 (a-1) A person may not act as a plumbing contractor
 7-59 [~~responsible master plumber~~] unless the person holds the
 7-60 appropriate license and meets the applicable requirements [~~for a~~
 7-61 ~~responsible master plumber~~] under this chapter.

7-62 (c) A plumbing contractor [~~license holder~~] who is
 7-63 supervising and controlling [~~under Subsection (a)(2)]~~ the work of a
 7-64 person engaged in the business of plumbing in the construction of a
 7-65 new one-family or two-family dwelling in an unincorporated area of
 7-66 the state must have training and management responsibility for, and
 7-67 shall review and inspect, the person's work. The plumbing
 7-68 contractor [~~license holder~~] is not required to provide continuous
 7-69 or uninterrupted on-the-job oversight of the person's work.

8-1 SECTION 22. Subchapter G, Chapter 1301, Occupations Code,
8-2 is amended by adding Section 1301.3515 to read as follows:

8-3 Sec. 1301.3515. CRIMINAL HISTORY RECORD INFORMATION FOR
8-4 LICENSE ISSUANCE. (a) The department shall require that an
8-5 applicant for a license submit a complete and legible set of
8-6 fingerprints, on a form prescribed by the executive director, to
8-7 the department or to the Department of Public Safety for the purpose
8-8 of obtaining criminal history record information from the
8-9 Department of Public Safety and the Federal Bureau of
8-10 Investigation.

8-11 (b) The department may not issue a license to a person who
8-12 does not comply with the requirement of Subsection (a).

8-13 (c) The department shall conduct a criminal history record
8-14 information check of each applicant for a license using
8-15 information:

8-16 (1) provided by the individual under this section; and

8-17 (2) made available to the department by the Department
8-18 of Public Safety, the Federal Bureau of Investigation, and any
8-19 other criminal justice agency under Chapter 411, Government Code.

8-20 (d) The department may:

8-21 (1) enter into an agreement with the Department of
8-22 Public Safety to administer a criminal history record information
8-23 check required under this section; and

8-24 (2) authorize the Department of Public Safety to
8-25 collect from each applicant the costs incurred by the Department of
8-26 Public Safety in conducting the criminal history record information
8-27 check.

8-28 SECTION 23. Section 1301.352, Occupations Code, is amended
8-29 to read as follows:

8-30 Sec. 1301.352. EXAMINATION REQUIRED. The department
8-31 [board] shall issue a license or endorsement as a master plumber,
8-32 journeyman plumber, plumbing inspector, tradesman plumber-limited
8-33 license holder, medical gas piping installation endorsement
8-34 holder, water supply protection specialist, or multipurpose
8-35 residential fire protection sprinkler specialist to a person who
8-36 demonstrates the fitness, competence, and qualifications to
8-37 receive the license or endorsement by passing a uniform, reasonable
8-38 examination.

8-39 SECTION 24. Section 1301.3522, Occupations Code, is amended
8-40 to read as follows:

8-41 Sec. 1301.3522. EXAMINATION REVIEW COURSE. (a) The
8-42 department [board] shall develop a review course in English and
8-43 Spanish to assist license applicants in preparation for each
8-44 license examination offered by the department [board]. If the
8-45 department [board] provides the review course, the department
8-46 [board] may charge a fee to an applicant who applies to take the
8-47 review course.

8-48 (b) The department [board] may provide the review course
8-49 training materials to private course providers for a fee determined
8-50 by the commission [board].

8-51 SECTION 25. Section 1301.353, Occupations Code, is amended
8-52 to read as follows:

8-53 Sec. 1301.353. INSPECTOR CONFLICTS PROHIBITED. The
8-54 department [board] may not issue a plumbing inspector license to a
8-55 person who has a financial or advisory interest in a plumbing
8-56 company.

8-57 SECTION 26. Sections 1301.354(b), (b-1), (c), (c-1), and
8-58 (d), Occupations Code, are amended to read as follows:

8-59 (b) A person who has worked as a plumber's apprentice for a
8-60 period established by law or commission [board] rule may apply to
8-61 take an examination for a license as a journeyman plumber or
8-62 tradesman plumber-limited license holder. Before the applicant may
8-63 take the examination, the applicant must complete classroom
8-64 training provided by a department-approved [board-approved]
8-65 instructor in a department-approved [board-approved] training
8-66 program in the areas of health and safety, applicable plumbing
8-67 codes, and water conservation for at least:

8-68 (1) 24 hours if the applicant is applying to take a
8-69 tradesman plumber-limited license holder examination; or

9-1 (2) 48 hours if the applicant is applying to take a
9-2 journeyman plumber examination.

9-3 (b-1) At the applicant's request, the department [~~board~~]
9-4 may credit an applicant under Subsection (b) with a number of hours
9-5 determined by commission [~~board~~] rule against the number of hours
9-6 of work experience required to take an examination if the applicant
9-7 has received an associate of applied science degree from a plumbing
9-8 technology program that:

9-9 (1) includes a combination of classroom and on-the-job
9-10 training; and

9-11 (2) is approved by the department [~~board~~] and the
9-12 Texas Higher Education Coordinating Board.

9-13 (c) At the applicant's request, the department [~~board~~] may
9-14 credit an applicant under Subsection (b) with up to 1,000 hours of
9-15 the work experience required before taking an examination if the
9-16 applicant has completed the classroom portion of a training
9-17 program:

9-18 (1) approved by the United States Department of Labor,
9-19 Office of Apprenticeship; or

9-20 (2) provided by a person approved by the department
9-21 [~~board~~] and based on course materials approved by the department
9-22 [~~board~~].

9-23 (c-1) At the applicant's request, the department [~~board~~]
9-24 may credit an applicant under Subsection (b) with up to 250 hours of
9-25 the work experience required before taking an examination if the
9-26 applicant has completed a coherent sequence of courses in the
9-27 construction trade that are offered through a career and technical
9-28 education program that is approved by the State Board of Education.

9-29 (d) Notwithstanding the classroom training required by
9-30 Subsection (b), a plumber's apprentice may apply for and take an
9-31 examination for a license as a journeyman plumber or tradesman
9-32 plumber-limited license holder if the apprentice has received an
9-33 associate of applied science degree from a plumbing technology
9-34 program that:

9-35 (1) includes a combination of classroom and on-the-job
9-36 training; and

9-37 (2) is approved by the department [~~board~~] and the
9-38 Texas Higher Education Coordinating Board.

9-39 SECTION 27. Section 1301.3541, Occupations Code, is amended
9-40 to read as follows:

9-41 Sec. 1301.3541. APPRENTICE REGISTRATION REQUIREMENTS. The
9-42 commission [~~board~~] by rule may adopt registration requirements for
9-43 plumber's apprentices, including training and education
9-44 requirements.

9-45 SECTION 28. Sections 1301.356(d) and (e), Occupations Code,
9-46 are amended to read as follows:

9-47 (d) An endorsement under this section coincides with rules
9-48 adopted by the executive commissioner of the Health and Human
9-49 Services Commission [~~Texas Department of Health~~].

9-50 (e) A plumbing inspector who meets the requirements of the
9-51 commission [~~board~~] may hold a medical gas endorsement and inspect
9-52 medical gas piping installations.

9-53 SECTION 29. Sections 1301.3565(b) and (f), Occupations
9-54 Code, are amended to read as follows:

9-55 (b) The department [~~board~~] shall issue an endorsement as a
9-56 multipurpose residential fire protection sprinkler specialist to a
9-57 person who:

9-58 (1) holds the license described by Subsection (a);

9-59 (2) applies to the department [~~board~~] on a form
9-60 prescribed by the department [~~board~~];

9-61 (3) pays a fee set by the commission [~~board~~];

9-62 (4) presents evidence satisfactory to the department
9-63 [~~board~~] of successful completion of a training program approved by
9-64 the department [~~board~~] that provides the training necessary for the
9-65 proper design and installation of a multipurpose residential fire
9-66 protection sprinkler system as required by the applicable codes and
9-67 standards recognized by the state; and

9-68 (5) passes an examination required by the department
9-69 [~~board~~].

10-1 (f) A plumbing inspector who meets the requirements of the
 10-2 commission [~~board~~] may inspect a multipurpose residential fire
 10-3 protection sprinkler installation.

10-4 SECTION 30. Section 1301.357(b), Occupations Code, is
 10-5 amended to read as follows:

10-6 (b) The department [~~board~~] shall issue an endorsement as a
 10-7 water supply protection specialist to a person who:

10-8 (1) is licensed under this chapter as a master plumber
 10-9 or journeyman plumber;

10-10 (2) applies to the department [~~board~~] on a form
 10-11 prescribed by the department [~~board~~];

10-12 (3) pays a fee set by the commission [~~board~~];

10-13 (4) presents evidence satisfactory to the department
 10-14 [~~board~~] of successful completion of a certification program
 10-15 approved by the department [~~board~~] for water supply protection
 10-16 specialists; and

10-17 (5) passes an examination required by the department
 10-18 [~~board~~].

10-19 SECTION 31. Section 1301.3575, Occupations Code, is amended
 10-20 to read as follows:

10-21 Sec. 1301.3575. REGISTRATION OF PLUMBER'S APPRENTICES
 10-22 [~~CERTAIN PERSONS~~]. The department [~~board~~] shall register a person
 10-23 who complies with this chapter as a [~~drain cleaner, drain~~
 10-24 ~~cleaner-restricted registrant, residential utilities installer,~~
 10-25 ~~or~~] plumber's apprentice.

10-26 SECTION 32. Section 1301.3576, Occupations Code, is amended
 10-27 to read as follows:

10-28 Sec. 1301.3576. CERTIFICATE OF INSURANCE [~~AND TRAINING~~] FOR
 10-29 PLUMBING CONTRACTOR [~~RESPONSIBLE MASTER PLUMBER~~]. Before a
 10-30 plumbing contractor offers or performs plumbing [~~master plumber~~
 10-31 ~~works as a responsible master plumber~~], the plumbing contractor
 10-32 [~~master plumber~~] must [+

10-33 [~~(1)~~] provide the department [~~board~~] with a
 10-34 certificate of insurance that meets the requirements of Section
 10-35 1301.552 [~~, and~~

10-36 [~~(2)~~] present evidence satisfactory to the board of
 10-37 successful completion of a training program approved or
 10-38 administered by the board regarding the laws and rules applicable
 10-39 to the operation of a plumbing business in this state].

10-40 SECTION 33. Subchapter G, Chapter 1301, Occupations Code,
 10-41 is amended by adding Sections 1301.3581 and 1301.360 to read as
 10-42 follows:

10-43 Sec. 1301.3581. RECIPROCITY. (a) The commission or
 10-44 department may waive any prerequisite to obtaining a license,
 10-45 endorsement, or certificate of registration issued under this
 10-46 chapter for an applicant who holds a similar license, endorsement,
 10-47 or certificate issued by another jurisdiction.

10-48 (b) The commission may make an agreement, subject to the
 10-49 approval of the governor, with another state to allow for licensing
 10-50 by reciprocity if the other state has requirements for a license,
 10-51 endorsement, or certificate substantially equivalent to those of
 10-52 this state.

10-53 (c) An applicant under this section must:

10-54 (1) apply in the same manner and form as any other
 10-55 applicant under this chapter; and

10-56 (2) provide the department with documents and other
 10-57 evidence that substantiate the applicant's qualifications.

10-58 (d) An applicant for a license, endorsement, or certificate
 10-59 of registration issued under this section may not be required to
 10-60 undergo an examination to obtain the license, endorsement, or
 10-61 certificate if the applicant has held an equivalent license,
 10-62 endorsement, or certificate in another jurisdiction for at least
 10-63 two years. The department in accordance with commission rules may
 10-64 determine whether a license, endorsement, or certificate issued by
 10-65 another jurisdiction is equivalent to a license, endorsement, or
 10-66 certificate issued under this chapter.

10-67 Sec. 1301.360. TEMPORARY LICENSE. (a) The department may
 10-68 issue a temporary license, endorsement, or certificate of
 10-69 registration to an applicant as provided by Section 51.407.

11-1 (b) Notwithstanding Section 51.407, a temporary license
 11-2 issued under this section expires on the 30th day after the date of
 11-3 issuance and may not be renewed.

11-4 SECTION 34. Section 1301.401, Occupations Code, is amended
 11-5 to read as follows:

11-6 Sec. 1301.401. [ANNUAL] RENEWAL REQUIRED. (a) A license
 11-7 or certificate of registration under this chapter is valid for one
 11-8 or two years as determined by commission rule [year]. On payment of
 11-9 the required fee, a license may be renewed [annually].

11-10 (b) The commission [board] by rule shall establish the
 11-11 requirements for renewing a license, endorsement, or certificate of
 11-12 registration under this chapter and may adopt a system under which
 11-13 licenses, endorsements, and certificates of registration
 11-14 [registrations] expire on various dates during the year.

11-15 (c) An endorsement issued under Section 1301.356,
 11-16 1301.3565, or 1301.357 expires on the date the master plumber or
 11-17 journeyman plumber license of the endorsement holder expires. Any
 11-18 continuing education requirement established by rule and
 11-19 applicable to an endorsement issued under this chapter must be
 11-20 completed before the endorsement holder may renew the endorsement.

11-21 SECTION 35. Sections 1301.404(a), (c), (d), (e), and (f),
 11-22 Occupations Code, are amended to read as follows:

11-23 (a) The commission by rule [board] shall establish:

11-24 (1) minimum curriculum standards for [recognize,
 11-25 approve, and administer] continuing education programs and courses
 11-26 for persons who hold a license [licenses] or endorsement issued
 11-27 [endorsements] under this chapter; and

11-28 (2) minimum qualifications for an instructor of the
 11-29 continuing education programs and courses described by Subdivision
 11-30 (1).

11-31 (c) The department shall approve:

11-32 (1) a program or course that meets the minimum
 11-33 curriculum standards established by the commission under
 11-34 Subsection (a); and

11-35 (2) an instructor who meets the minimum qualifications
 11-36 established by the commission under Subsection (a) [board by rule
 11-37 shall adopt the criteria for the continuing professional
 11-38 education].

11-39 (d) A person may receive credit for participating in a
 11-40 continuing professional education program or course only if the
 11-41 program or course is approved by the department [provided:

11-42 (1) by an individual, business, or association
 11-43 approved by the board; and

11-44 (2) according to criteria adopted by the board].

11-45 (e) A person may complete the continuing professional
 11-46 education requirement of this section through a correspondence
 11-47 course as approved by the department [board].

11-48 (f) The commission [board] by rule may exempt certain
 11-49 persons from the requirements of this section if the commission
 11-50 [board] determines that the exemption is in the public interest.

11-51 SECTION 36. Section 1301.405, Occupations Code, is amended
 11-52 to read as follows:

11-53 Sec. 1301.405. [MANDATORY] TRAINING FOR PLUMBER'S
 11-54 APPRENTICE [DRAIN CLEANER, DRAIN CLEANER-RESTRICTED REGISTRANT,
 11-55 AND RESIDENTIAL UTILITIES INSTALLER]. The commission by rule may
 11-56 establish continuing education requirements for persons [(a) To
 11-57 renew the certificate of registration, a person] who hold [holds] a
 11-58 certificate of registration under this chapter as a plumber's
 11-59 apprentice [drain cleaner, drain cleaner-restricted registrant, or
 11-60 residential utilities installer must annually complete at least six
 11-61 hours of approved training that includes training in health and
 11-62 safety requirements, board-approved plumbing codes, and water
 11-63 conservation].

11-64 [(b) A person may receive credit for participating in a
 11-65 training program only if the program is provided:

11-66 (1) by a person approved by the board; and

11-67 (2) according to criteria adopted by the board.

11-68 [(c) The board by rule may exempt certain persons from the
 11-69 requirements of this section if the board determines that the

12-1 ~~exemption is in the public interest.]~~

12-2 SECTION 37. Sections 1301.406(a) and (c), Occupations Code,
12-3 are amended to read as follows:

12-4 (a) On approval by the department [board], a person who
12-5 holds an unexpired license under this chapter and whose license has
12-6 been held continuously for at least 35 consecutive years may
12-7 transfer the license number on the date of the person's retirement
12-8 or death to another person who:

12-9 (1) is related within the second degree by
12-10 consanguinity to the transferor; and

12-11 (2) holds a license issued under this chapter that is
12-12 the same type of license as the license held by the transferor.

12-13 (c) The department [board] shall transfer a license number
12-14 to a person who submits an application and presents evidence
12-15 satisfactory to the department [board] that:

12-16 (1) the person meets the requirements under
12-17 Subsections (a)(1) and (a)(2); and

12-18 (2) the transferor is retired or dead.

12-19 SECTION 38. The heading to Subchapter I, Chapter 1301,
12-20 Occupations Code, is amended to read as follows:

12-21 SUBCHAPTER I. DISCIPLINARY ACTION [~~PROCEDURES~~]

12-22 SECTION 39. Section 1301.452, Occupations Code, is amended
12-23 to read as follows:

12-24 Sec. 1301.452. GROUNDS FOR DISCIPLINARY ACTION. The
12-25 commission, department, or executive director may enforce this
12-26 chapter, a rule adopted under this chapter, or an order of the
12-27 commission or executive director as provided by Chapter 51 [(a) A
12-28 person is subject to disciplinary action under Section 1301.451 if
12-29 the person violates this chapter, an order issued by the board, or a
12-30 board rule]. A violation of this chapter includes:

12-31 (1) attempting to obtain or obtaining a license,
12-32 endorsement, or registration through [error or] fraud;

12-33 (2) wilfully, negligently, or arbitrarily violating a
12-34 municipal rule or ordinance that regulates sanitation, drainage, or
12-35 plumbing;

12-36 (3) making a misrepresentation of services provided or
12-37 to be provided;

12-38 (4) making a false promise with the intent to induce a
12-39 person to contract for a service; [or]

12-40 (5) employing a person who does not hold a license or
12-41 endorsement or who is not registered to engage in an activity for
12-42 which a license, endorsement, or certificate of registration is
12-43 required under this chapter;

12-44 (6) performing plumbing without holding the proper
12-45 license, endorsement, or certificate of registration required by
12-46 this chapter;

12-47 (7) offering to perform or performing plumbing for
12-48 compensation without holding a plumbing contractor license or
12-49 acting on behalf of a plumbing contractor, or contracting with a
12-50 plumbing contractor to perform the offered plumbing;

12-51 (8) performing plumbing in violation of a plumbing
12-52 code adopted under Section 1301.255; or

12-53 (9) failing to supervise plumbing as required by this
12-54 chapter or commission rule.

12-55 [~~(b) Retesting procedures may be used to determine whether~~
12-56 ~~grounds exist for suspension or revocation of a license,~~
12-57 ~~endorsement, or registration due to incompetence or a wilful~~
12-58 ~~violation by a person licensed under this chapter.]~~

12-59 SECTION 40. Section 1301.501(b), Occupations Code, is
12-60 amended to read as follows:

12-61 (b) The commission [board] shall adopt rules under this
12-62 section that include a list describing the types of plumbing to
12-63 which this section applies.

12-64 SECTION 41. Section 1301.502(a), Occupations Code, is
12-65 amended to read as follows:

12-66 (a) A [~~field representative,~~] water district plumbing
12-67 inspector[~~r~~] or, within the jurisdiction of the municipality,
12-68 municipal plumbing inspector may issue a citation to a person who
12-69 engages in conduct described by Section 1301.508.

13-1 SECTION 42. Sections [1301.507](#) and [1301.5071](#), Occupations
13-2 Code, are amended to read as follows:

13-3 Sec. 1301.507. CIVIL PENALTY. A person who violates this
13-4 chapter or a rule, permit, or order of the commission issued under
13-5 this chapter [~~board~~] is subject to a civil penalty of not less than
13-6 \$50 or more than \$1,000 for each act of violation and for each day of
13-7 violation after notice is provided to the person.

13-8 Sec. 1301.5071. INFORMAL SETTLEMENT CONFERENCE;
13-9 RESTITUTION. (a) The commission [~~board~~] by rule shall establish
13-10 procedures under which an informal settlement conference is
13-11 conducted to resolve a complaint against a person licensed under
13-12 this chapter.

13-13 (b) Subject to Subsection (c), the executive director
13-14 [~~board~~] may order a person licensed under this chapter to pay
13-15 restitution to a person as provided in an agreement resulting from
13-16 an informal settlement conference instead of or in addition to
13-17 assessing an administrative penalty [~~under Subchapter N~~].

13-18 (c) The amount of restitution ordered as provided by an
13-19 agreement resulting from an informal settlement conference may not
13-20 exceed the amount the person paid to the license holder for a
13-21 service regulated by this chapter. The executive director [~~board~~]
13-22 may not require payment of other damages or estimate harm in a
13-23 restitution order.

13-24 SECTION 43. Section [1301.551\(g\)](#), Occupations Code, is
13-25 amended to read as follows:

13-26 (g) A [~~responsible master plumber~~] plumbing contractor[~~7~~]
13-27 or other person who is required to obtain a permit under this
13-28 section is not required to pay a plumbing registration fee or
13-29 administrative fee in a municipality or any other political
13-30 subdivision.

13-31 SECTION 44. Section [1301.552](#), Occupations Code, is amended
13-32 to read as follows:

13-33 Sec. 1301.552. CERTIFICATE OF INSURANCE FOR PLUMBING PERMIT
13-34 IN POLITICAL SUBDIVISION. A political subdivision that requires a
13-35 plumbing contractor [~~responsible master plumber~~] or an agent of a
13-36 plumbing contractor [~~responsible master plumber~~] to obtain a permit
13-37 before performing plumbing in the political subdivision shall
13-38 verify through the department's [~~board's~~] Internet website, or by
13-39 contacting the department [~~board~~] by telephone, that the plumbing
13-40 contractor [~~responsible master plumber~~] has on file with the
13-41 department [~~board~~] a certificate of insurance. The certificate of
13-42 insurance must:

13-43 (1) be written by an insurer authorized to engage in
13-44 the business of insurance in this state or an eligible surplus lines
13-45 insurer under Chapter 981 [~~as defined by Section [981.002](#)~~],
13-46 Insurance Code;

13-47 (2) provide for commercial general liability
13-48 insurance for the plumbing contractor [~~responsible master plumber~~]
13-49 for a claim for property damage or bodily injury, regardless of
13-50 whether the claim arises from negligence or on a contract; and

13-51 (3) provide coverage of not less than \$300,000 for all
13-52 claims arising in a one-year period.

13-53 SECTION 45. Sections [1301.652\(a\)](#) and (b), Occupations Code,
13-54 are amended to read as follows:

13-55 (a) The department [~~board~~] and the Texas Workforce
13-56 Commission shall, through the local workforce development boards,
13-57 coordinate efforts to educate the public about the plumbing
13-58 profession and the resources available to employers for the
13-59 recruitment and training of plumbers, including providing:

13-60 (1) each local workforce development board with:

13-61 (A) information about the licensing requirements
13-62 for the plumbing profession; and

13-63 (B) available statistical data regarding
13-64 plumbing; and

13-65 (2) a link to each agency's Internet site and to the
13-66 Internet sites of other local workforce development boards.

13-67 (b) The department [~~board~~] may, during public and industry
13-68 awareness seminars, raise awareness of the career ladder in the
13-69 plumbing industry and the opportunities that plumbing

14-1 apprenticeships offer.

14-2 SECTION 46. Section 132.002(a), Education Code, is amended
14-3 to read as follows:

14-4 (a) The following schools or educational institutions may
14-5 be exempted from this chapter by the commission under Subsection
14-6 (d):

14-7 (1) a school or educational institution supported by
14-8 taxation from either a local or state source;

14-9 (2) a nonprofit school owned, controlled, operated,
14-10 and conducted by a bona fide religious, denominational,
14-11 eleemosynary, or similar public institution exempt from property
14-12 taxation under the laws of this state;

14-13 (3) a school or training program that offers
14-14 instruction of purely avocational or recreational subjects as
14-15 determined by the commission;

14-16 (4) a course or courses of instruction or study
14-17 sponsored by an employer for the training and preparation of its own
14-18 employees, and for which no tuition fee is charged to the student;

14-19 (5) a course or courses of study or instruction
14-20 sponsored by a recognized trade, business, or professional
14-21 organization for the instruction of the members of the organization
14-22 with a closed membership;

14-23 (6) a private college or university that awards a
14-24 recognized baccalaureate, or higher degree, and that maintains and
14-25 operates educational programs for which a majority of the credits
14-26 given are transferable to a college, junior college, or university
14-27 supported entirely or partly by taxation from either a local or
14-28 state source;

14-29 (7) a school or course that is otherwise regulated and
14-30 approved under and pursuant to any other law or rulemaking process
14-31 of this state or approved for continuing education credit by an
14-32 organization that accredits courses for the maintenance of a
14-33 license, except as provided by Subsection (c);

14-34 (8) an aviation school or instructor approved by and
14-35 under the supervision of the Federal Aviation Administration;

14-36 (9) a school that offers intensive review of a
14-37 student's acquired education, training, or experience to prepare
14-38 the student for an examination, other than a high school
14-39 equivalency examination, that the student by law may not take
14-40 unless the student has completed or substantially completed a
14-41 particular degree program, or that the student is required to take
14-42 as a precondition for enrollment in or admission to a particular
14-43 degree program;

14-44 (10) a private school offering primary or secondary
14-45 education, which may include a kindergarten or prekindergarten
14-46 program, and that satisfies the compulsory attendance requirements
14-47 of Section 25.085 pursuant to Section 25.086(a)(1);

14-48 (11) a course or courses of instruction by bona fide
14-49 electrical trade associations for the purpose of preparing students
14-50 for electrical tests required for licensing and for the purpose of
14-51 providing continuing education to students for the renewal of
14-52 electrical licenses;

14-53 (12) a nonprofit arts organization that has as its
14-54 primary purpose the provision of instruction in the dramatic arts
14-55 and the communications media to persons younger than 19 years of
14-56 age;

14-57 (13) a course or training program conducted by a
14-58 nonprofit association of air conditioning and refrigeration
14-59 contractors approved by the Air Conditioning and Refrigeration
14-60 Contractors Advisory Board to provide instruction for technical,
14-61 business, or license examination preparation programs relating to
14-62 air conditioning and refrigeration contracting, as that term is
14-63 defined by Chapter 1302, Occupations Code;

14-64 (14) a course of instruction by a plumbing trade
14-65 association to prepare students for a plumbing test or program
14-66 required for licensing, registration [~~certification~~], or
14-67 endorsement or to provide continuing education approved by the
14-68 Texas Department of Licensing and Regulation [~~State Board of~~
14-69 ~~Plumbing Examiners~~]; and

(15) a course of instruction in the use of technological hardware or software if the course is offered to a purchaser of the hardware or software or to the purchaser's employee by a person who manufactures and sells, or develops and sells, the hardware or software, and if the seller is not primarily in the business of providing courses of instruction in the use of the hardware or software, as determined by the commission.

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

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

(1) Texas Appraiser Licensing and Certification Board;

(2) Texas Board of Architectural Examiners;

(3) Texas Board of Chiropractic Examiners;

(4) State Board of Dental Examiners;

(5) Texas Board of Professional Engineers;

(6) Texas Funeral Service Commission;

(7) Texas Board of Professional Geoscientists;

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

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

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

(C) Texas State Board of Social Worker Examiners;

(9) Texas Board of Professional Land Surveying;

(10) Texas Department of Licensing and Regulation, except as provided by Section 411.093;

(11) Texas Commission on Environmental Quality;

(12) Texas Board of Occupational Therapy Examiners;

(13) Texas Optometry Board;

(14) Texas State Board of Pharmacy;

(15) Texas Board of Physical Therapy Examiners;

(16) [~~Texas State Board of Plumbing Examiners;~~

~~(17) Texas State Board of Podiatric Medical Examiners;~~

~~(18)~~ Texas State Board of Examiners of Psychologists;

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

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

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

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

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

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

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

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

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

SECTION 48. Section 2054.352(a), Government Code, is amended to read as follows:

(a) The following licensing entities shall participate in the system established under Section 2054.353:

(1) Texas Board of Chiropractic Examiners;

(2) Judicial Branch Certification Commission;

(3) State Board of Dental Examiners;

(4) Texas Funeral Service Commission;

(5) Texas Board of Professional Land Surveying;

(6) Texas Medical Board;

(7) Texas Board of Nursing;

(8) Texas Optometry Board;

(9) Department of Agriculture, for licenses issued under Chapter 1951, Occupations Code;

(10) Texas State Board of Pharmacy;

(11) Executive Council of Physical Therapy and Occupational Therapy Examiners;

~~(12) [Texas State Board of Plumbing Examiners;~~

16-1 ~~[(13) Texas State Board of Podiatric Medical~~
 16-2 ~~Examiners;~~
 16-3 ~~[(14)]~~ Texas State Board of Examiners of
 16-4 Psychologists;
 16-5 (13) ~~[(15)]~~ State Board of Veterinary Medical
 16-6 Examiners;
 16-7 (14) ~~[(16)]~~ Texas Real Estate Commission;
 16-8 (15) ~~[(17)]~~ Texas Appraiser Licensing and
 16-9 Certification Board;
 16-10 (16) ~~[(18)]~~ Texas Department of Licensing and
 16-11 Regulation;
 16-12 (17) ~~[(19)]~~ Texas State Board of Public Accountancy;
 16-13 (18) ~~[(20)]~~ State Board for Educator Certification;
 16-14 (19) ~~[(21)]~~ Texas Board of Professional Engineers;
 16-15 (20) Health and Human Services Commission
 16-16 ~~[(22) Department of State Health Services];~~
 16-17 (21) ~~[(23)]~~ Texas Board of Architectural Examiners;
 16-18 (22) ~~[(24)]~~ Texas Racing Commission;
 16-19 (23) ~~[(25)]~~ Texas Commission on Law Enforcement; and
 16-20 (24) ~~[(26)]~~ Texas Private Security Board.

16-21 SECTION 49. Sections 341.034(d) and (e), Health and Safety
 16-22 Code, are amended to read as follows:

16-23 (d) A person who inspects homes and businesses to identify
 16-24 potential or actual cross-connections or other contaminant hazards
 16-25 in public water systems must hold a license issued by the commission
 16-26 under Chapter 37, Water Code, unless the person is licensed by the
 16-27 Texas Department of Licensing and Regulation ~~[State Board of~~
 16-28 ~~Plumbing Examiners]~~ as a plumbing inspector or water supply
 16-29 protection specialist.

16-30 (e) Unless the person is licensed by the Texas Department of
 16-31 Licensing and Regulation to perform plumbing ~~[State Board of~~
 16-32 ~~Plumbing Examiners]~~, a person must hold a license issued by the
 16-33 commission under Chapter 37, Water Code, if, under a contract, the
 16-34 person:

16-35 (1) installs, exchanges, connects, maintains, or
 16-36 services potable water treatment equipment and appliances in public
 16-37 or private water systems; or

16-38 (2) analyzes water to determine how to treat influent
 16-39 or effluent water, alter or purify water, or add or remove a
 16-40 mineral, chemical, or bacterial content or substance as part of the
 16-41 complete installation, exchange, connection, maintenance, or
 16-42 service of potable water treatment equipment and appliances.

16-43 SECTION 50. Section 341.042(b-2), Health and Safety Code,
 16-44 is amended to read as follows:

16-45 (b-2) A person who installs and maintains rainwater
 16-46 harvesting systems that are connected to a public water supply
 16-47 system and are used for potable purposes must be licensed by the
 16-48 Texas Department of Licensing and Regulation ~~[State Board of~~
 16-49 ~~Plumbing Examiners]~~ as a master plumber or journeyman plumber and
 16-50 hold an endorsement issued by the department ~~[board]~~ as a water
 16-51 supply protection specialist.

16-52 SECTION 51. Section 341.068(b), Health and Safety Code, is
 16-53 amended to read as follows:

16-54 (b) The executive commissioner shall adopt rules to
 16-55 implement Subsection (a), including a rule that in providing
 16-56 sufficient restrooms a ratio of not less than 2:1 women's-to-men's
 16-57 restrooms or other minimum standards established in consultation
 16-58 with the Texas Department of Licensing and Regulation ~~[State Board~~
 16-59 ~~of Plumbing Examiners]~~ shall be maintained if the use of the
 16-60 restrooms is designated by gender. The rules shall apply to
 16-61 facilities where the public congregates and on which construction
 16-62 is started on or after January 1, 1994, or on which structural
 16-63 alterations, repairs, or improvements exceeding 50 percent of the
 16-64 entire facility are undertaken on or after January 1, 1994.

16-65 SECTION 52. Section 372.003(d), Health and Safety Code, is
 16-66 amended to read as follows:

16-67 (d) Rules adopted or amended under this section shall be
 16-68 developed by the commission in conjunction with a technical
 16-69 advisory panel of designated representatives of the Texas Water

17-1 Development Board and the Texas [~~State Board of~~] Plumbing Advisory
 17-2 Board established under Subchapter C, Chapter 1301, Occupations
 17-3 Code [Examiners].

17-4 SECTION 53. Sections 372.0035(f) and (h), Health and Safety
 17-5 Code, are amended to read as follows:

17-6 (f) If a person licensed under Chapter 1301, Occupations
 17-7 Code, violates this section, the Texas Department of Licensing and
 17-8 Regulation [State Board of Plumbing Examiners] may discipline the
 17-9 person [~~under Subchapter I of that chapter~~] as if a violation of
 17-10 this section were a violation of Chapter 1301, Occupations Code
 17-11 [~~that chapter~~].

17-12 (h) Within [A field representative of the Texas State Board
 17-13 of Plumbing Examiners or, within] the jurisdiction of a
 17-14 municipality, a municipal plumbing inspector may issue a citation
 17-15 to a person who violates this section.

17-16 SECTION 54. Section 233.154(a), Local Government Code, is
 17-17 amended to read as follows:

17-18 (a) A person who builds new residential construction
 17-19 described by Section 233.153 shall have the construction inspected
 17-20 to ensure building code compliance in accordance with this section
 17-21 as follows:

17-22 (1) for new residential construction on a vacant lot,
 17-23 a minimum of three inspections must be performed during the
 17-24 construction project to ensure code compliance, as applicable, at
 17-25 the following stages of construction:

17-26 (A) the foundation stage, before the placement of
 17-27 concrete;

17-28 (B) the framing and mechanical systems stage,
 17-29 before covering with drywall or other interior wall covering; and

17-30 (C) on completion of construction of the
 17-31 residence;

17-32 (2) for new residential construction of an addition to
 17-33 an existing residence as described by Section 233.151(a)(2), the
 17-34 inspections under Subdivision (1) must be performed as necessary
 17-35 based on the scope of work of the construction project; and

17-36 (3) for new residential construction on a vacant lot
 17-37 and for construction of an addition to an existing residence, the
 17-38 builder:

17-39 (A) is responsible for contracting to perform the
 17-40 inspections required by this subsection with:

17-41 (i) a licensed engineer;

17-42 (ii) a registered architect;

17-43 (iii) a professional inspector licensed by
 17-44 the Texas Real Estate Commission;

17-45 (iv) a plumbing inspector employed by a
 17-46 municipality and licensed by the Texas Department of Licensing and
 17-47 Regulation [State Board of Plumbing Examiners];

17-48 (v) a building inspector employed by a
 17-49 political subdivision; or

17-50 (vi) an individual certified as a
 17-51 residential combination inspector by the International Code
 17-52 Council; and

17-53 (B) may use the same inspector for all the
 17-54 required inspections or a different inspector for each required
 17-55 inspection.

17-56 SECTION 55. Section 113.081(d), Natural Resources Code, is
 17-57 amended to read as follows:

17-58 (d) The commission by rule may exempt from Section
 17-59 113.082(a)(4) [~~of this code~~] journeymen or master plumbers licensed
 17-60 by the Texas Department of Licensing and Regulation [State Board of
 17-61 Plumbing Examiners].

17-62 SECTION 56. Section 113.087(o), Natural Resources Code, is
 17-63 amended to read as follows:

17-64 (o) The commission by rule may exempt from any provision of
 17-65 this section:

17-66 (1) a journeyman or master plumber licensed by the
 17-67 Texas Department of Licensing and Regulation [State Board of
 17-68 Plumbing Examiners];

17-69 (2) a person licensed under Chapter 1302, Occupations

18-1 Code; or

18-2 (3) company representatives, operations supervisors,
18-3 or employees of a testing laboratory that was registered under
18-4 former Section 113.135 prior to the effective date of this
18-5 subsection.

18-6 SECTION 57. Section 113.097(j), Natural Resources Code, is
18-7 amended to read as follows:

18-8 (j) The commission by rule may exempt from the insurance
18-9 requirements of this section or adopt a reasonable alternative to
18-10 those requirements for:

18-11 (1) a master or journeyman plumber licensed by the
18-12 Texas Department of Licensing and Regulation [~~State Board of~~
18-13 ~~Plumbing Examiners~~]; or

18-14 (2) a person licensed under Chapter 1302, Occupations
18-15 Code.

18-16 SECTION 58. Section 1903.002(b), Occupations Code, is
18-17 amended to read as follows:

18-18 (b) The licensing requirements of this chapter do not apply
18-19 to a person who is:

18-20 (1) licensed, endorsed, or registered by the Texas
18-21 Department of Licensing and Regulation to perform plumbing [~~Texas~~
18-22 ~~State Board of Plumbing Examiners~~]; or

18-23 (2) a licensed engineer, registered architect, or
18-24 registered landscape architect to the extent the person's acts are
18-25 incidental to the pursuit of the person's profession.

18-26 SECTION 59. The following provisions of the Occupations
18-27 Code are repealed:

18-28 (1) Sections 51.351(c) and (d);

18-29 (2) Section 1301.002(9-a);

18-30 (3) Section 1301.003;

18-31 (4) Section 1301.153;

18-32 (5) Section 1301.155;

18-33 (6) Section 1301.156;

18-34 (7) Section 1301.159;

18-35 (8) Section 1301.201;

18-36 (9) Section 1301.204;

18-37 (10) Section 1301.205;

18-38 (11) Section 1301.207;

18-39 (12) Section 1301.208;

18-40 (13) Section 1301.252;

18-41 (14) Section 1301.254;

18-42 (15) Section 1301.256;

18-43 (16) Section 1301.258, as added by Chapter 1276 (H.B.
18-44 3507), Acts of the 78th Legislature, Regular Session, 2003;

18-45 (17) Section 1301.258, as added by Chapter 819 (S.B.
18-46 282), Acts of the 78th Legislature, Regular Session, 2003;

18-47 (18) Section 1301.259;

18-48 (19) Section 1301.260;

18-49 (20) Section 1301.261;

18-50 (21) Section 1301.301;

18-51 (22) Section 1301.3015;

18-52 (23) Section 1301.303;

18-53 (24) Section 1301.304;

18-54 (25) Section 1301.351(a-2);

18-55 (26) Section 1301.3521;

18-56 (27) Section 1301.355;

18-57 (28) Section 1301.356(c);

18-58 (29) Section 1301.3565(c);

18-59 (30) Section 1301.357(c);

18-60 (31) Section 1301.358;

18-61 (32) Section 1301.3585;

18-62 (33) Section 1301.402;

18-63 (34) Section 1301.403;

18-64 (35) Section 1301.451;

18-65 (36) Section 1301.4521;

18-66 (37) Section 1301.4522;

18-67 (38) Section 1301.453;

18-68 (39) Section 1301.454;

18-69 (40) Section 1301.502(b);

- 19-1 (41) Section 1301.504;
 19-2 (42) Section 1301.5045;
 19-3 (43) Section 1301.505;
 19-4 (44) Section 1301.506; and
 19-5 (45) Subchapter N, Chapter 1301.

19-6 SECTION 60. (a) The Texas State Board of Plumbing
 19-7 Examiners is abolished but continues in existence until September
 19-8 1, 2020, for the sole purpose of transferring obligations,
 19-9 property, rights, powers, and duties to the Texas Department of
 19-10 Licensing and Regulation. The Texas Department of Licensing and
 19-11 Regulation assumes all of the obligations, property, rights,
 19-12 powers, and duties of the Texas State Board of Plumbing Examiners as
 19-13 they exist immediately before the effective date of this Act. All
 19-14 unexpended funds appropriated to the Texas State Board of Plumbing
 19-15 Examiners are transferred to the Texas Department of Licensing and
 19-16 Regulation.

19-17 (b) The Texas State Board of Plumbing Examiners and the
 19-18 Texas Department of Licensing and Regulation shall, in consultation
 19-19 with appropriate state entities, ensure that the transfer of the
 19-20 obligations, property, rights, powers, and duties of the Texas
 19-21 State Board of Plumbing Examiners to the Texas Department of
 19-22 Licensing and Regulation is completed not later than September 1,
 19-23 2020.

19-24 (c) All rules of the Texas State Board of Plumbing Examiners
 19-25 are continued in effect as rules of the Texas Department of
 19-26 Licensing and Regulation until superseded by a rule of the Texas
 19-27 Department of Licensing and Regulation. A license, endorsement, or
 19-28 certificate of registration issued by the Texas State Board of
 19-29 Plumbing Examiners is continued in effect as provided by the law in
 19-30 effect immediately before the effective date of this Act. An
 19-31 application for a license, endorsement, or certificate of
 19-32 registration pending on the effective date of this Act is continued
 19-33 without change in status after the effective date of this Act. A
 19-34 complaint, investigation, contested case, or other proceeding
 19-35 pending on the effective date of this Act is continued without
 19-36 change in status after the effective date of this Act.

19-37 (d) Unless the context indicates otherwise, a reference to
 19-38 the Texas State Board of Plumbing Examiners in a law or
 19-39 administrative rule means the Texas Department of Licensing and
 19-40 Regulation.

19-41 SECTION 61. Notwithstanding any other provision of this
 19-42 Act:

19-43 (1) the authorization of a person holding a
 19-44 designation on September 1, 2019, to act as a responsible master
 19-45 plumber continues in effect until September 1, 2020;

19-46 (2) a person is not required to hold a plumbing
 19-47 contractor license to perform or offer to perform plumbing for
 19-48 compensation until September 1, 2020; and

19-49 (3) a person holding a designation to act as a
 19-50 responsible master plumber on September 1, 2019, may apply at no
 19-51 cost to the person for a plumbing contractor license until
 19-52 September 1, 2020, and after September 1, 2020, if the person
 19-53 applies for a plumbing contractor license, the person shall pay any
 19-54 fee required by law for the plumbing contractor license.

19-55 SECTION 62. (a) Not later than December 1, 2019, the
 19-56 presiding officer of the Texas Commission of Licensing and
 19-57 Regulation shall appoint members to the Texas Plumbing Advisory
 19-58 Board in accordance with Section 1301.151, Occupations Code, as
 19-59 amended by this Act. A member whose term expired under Section 60
 19-60 of this Act is eligible for appointment to the advisory board.

19-61 (b) The members of the Texas State Board of Plumbing
 19-62 Examiners whose terms expire under Section 60 of this Act shall
 19-63 continue to provide advice to the Texas Department of Licensing and
 19-64 Regulation until a majority of the members of the advisory board are
 19-65 appointed under Subsection (a) of this section and qualified.

19-66 SECTION 63. (a) Not later than:

19-67 (1) September 1, 2021, the Texas Department of
 19-68 Licensing and Regulation shall obtain criminal history record
 19-69 information using a person's name, date of birth, and other

20-1 alphanumeric identifiers on each person who:
20-2 (A) on September 1, 2019, holds a license issued
20-3 under Chapter 1301, Occupations Code; and

20-4 (B) did not undergo a criminal history record
20-5 information check based on the person's name or fingerprints on
20-6 submission of the person's initial license application; and

20-7 (2) September 1, 2023, the Texas Department of
20-8 Licensing and Regulation shall obtain criminal history record
20-9 information using a person's fingerprints on each person who:

20-10 (A) on September 1, 2019, holds a license issued
20-11 under Chapter 1301, Occupations Code; and

20-12 (B) did not undergo a criminal history record
20-13 information check based on the person's fingerprints on submission
20-14 of the person's initial license application.

20-15 (b) The Texas Department of Licensing and Regulation may
20-16 suspend the license of a person who holds a license under Chapter
20-17 1301, Occupations Code, who does not comply with a request by the
20-18 department to provide information or fingerprints, in a form and
20-19 manner prescribed by the department, that would enable the
20-20 department to obtain criminal history record information as
20-21 required by this section.

20-22 SECTION 64. (a) A violation of a law that is repealed by
20-23 this Act is governed by the law in effect when the violation was
20-24 committed, and the former law is continued in effect for that
20-25 purpose.

20-26 (b) For purposes of this section, a violation was committed
20-27 before September 1, 2019, if any element of the violation occurred
20-28 before that date.

20-29 SECTION 65. To the extent of any conflict, this Act prevails
20-30 over another Act of the 86th Legislature, Regular Session, 2019,
20-31 relating to nonsubstantive additions to and corrections in enacted
20-32 codes.

20-33 SECTION 66. This Act takes effect September 1, 2019.

20-34 * * * * *