

Amend HB 636 (senate committee report) as follows:

(1) Strike SECTIONS 1 and 2 of the bill amending Sections 1301.002(9-a) and (10), Occupations Code (page 1, lines 24 through 56).

(2) Strike SECTION 15 of the bill amending Section 1301.3576, Occupations Code (page 4, lines 48 through 58).

(3) In SECTION 23 of the bill, in amended Section 1301.452(a), Occupations Code (page 7, line 27), following the underlined semicolon, strike "or".

(4) In SECTION 23 of the bill, in amended Section 1301.452(a), Occupations Code (page 7, line 29), between "Section 1301.255" and the period, insert the following:

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(8) offering to perform or performing plumbing for compensation without:

(A) holding a plumbing contractor license;

(B) being employed by a plumbing contractor and acting in the scope of that employment; or

(C) contracting with a plumbing contractor to perform the offered plumbing; or

(9) failing to supervise plumbing as required by this chapter or board rule

(5) In SECTION 32 of the bill, in the repealer (page 8, lines 39 through 51), insert the following appropriately numbered subdivisions and renumber the subdivisions of the SECTION accordingly:

() Section 1301.002(9-a);

() Section 1301.351(a-2);

(6) Add the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill accordingly:

SECTION ____ . Section 1301.002, Occupations Code, is amended by amending Subdivisions (2), (3), (4), (6), (9), and (10) and adding Subdivision (7-a) to read as follows:

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

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

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

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

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

(A) has worked as a plumber's apprentice under the supervision of a [~~responsible~~] master plumber;

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

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

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

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

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

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

(D) has passed the required examination; and

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

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

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

(A) is a master plumber, or employs a master

plumber, for the purpose of offering and performing plumbing work that will be performed or supervised by the master plumber;

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

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

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

(9) "Residential utilities installer" means 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:

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

(ii) successfully completed a coherent sequence of courses in the plumbing trade that are offered through a career and technology education program, as described by Section 1301.3542;

(B) has passed the required examination;

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

(D) has fulfilled the other requirements of the board.

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

(a) The Texas State Board of Plumbing Examiners consists of

nine members appointed by the governor with the advice and consent of the senate as follows:

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

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

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

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

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

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

(7) two members who represent the public.

SECTION ____ . Subchapter E, Chapter 1301, Occupations Code, is amended by adding Section 1301.264 to read as follows:

Sec. 1301.264. SUPERVISION RULES; RESPONSIBILITY FOR PLUMBING WORK. (a) The board by rule shall:

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

(A) perform the task; or

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

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

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

(4) specify the amount of classroom training meeting

the requirements of Subsection (b), practical plumbing experience, or a combination of that training and experience necessary to:

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

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

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

(A) classroom training that meets the requirements of Subsection (b); and

(B) practical plumbing experience; and

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

(b) Notwithstanding the minimum requirements for a continuing education program or instructor established under this chapter, the board by rule shall establish minimum requirements for classroom training, other than a continuing education program under this chapter, that, if successfully completed and documented by a plumber, the board shall credit toward:

(1) the necessary classroom training required to:

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

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

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

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

SECTION ____ . Section 1301.302, Occupations Code, is amended to read as follows:

Sec. 1301.302. CONTRACT INFORMATION; REQUIRED DOCUMENTS. A written proposal, invoice, or contract relating to plumbing services performed by or under the direction of a plumber licensed under this chapter must contain the name and license number of the

plumbing contractor [~~responsible master plumber~~] and the name, mailing address, and telephone number of the board. The person who performed the services shall give the customer an invoice or completed contract document on completion of the job, regardless of whether the person charged a fee for performing the services.

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

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

(1) the person holds:

(A) a plumbing contractor license; and

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

(2) the person:

(A) is employed by a plumbing contractor;

(B) performs or supervises the plumbing in the scope of that employment; and

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

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

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

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

SECTION _____. Section 1301.3576, Occupations Code, is amended to read as follows:

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

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

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

SECTION _____. Section 1301.551(g), Occupations Code, is amended to read as follows:

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

SECTION _____. Section 1301.552, Occupations Code, is amended to read as follows:

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

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

(2) provide for commercial general liability insurance for the plumbing contractor [~~responsible master plumber~~]

for a claim for property damage or bodily injury, regardless of whether the claim arises from negligence or on a contract; and

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

SECTION _____. Notwithstanding any other provision of this Act:

(1) the authorization of a person holding a designation on the effective date of this Act to act as a responsible master plumber continues in effect until September 1, 2022;

(2) a person is not required to hold a plumbing contractor license to perform or offer to perform plumbing for compensation until September 1, 2022; and

(3) a person holding a designation to act as a responsible master plumber on the effective date of this Act may apply at no cost to the person for a plumbing contractor license until September 1, 2022, and after September 1, 2022, if the person applies for a plumbing contractor license, the person shall pay any fee required by law for the plumbing contractor license.

SECTION _____. The changes in law made by this Act to the qualifications of the members of the Texas State Board of Plumbing Examiners do not affect the entitlement of a member serving on the board immediately before the effective date of this Act to continue to serve for the remainder of the member's term. As the terms of board members expire, the governor shall appoint or reappoint a member who has the qualifications required for a member under Section 1301.151, Occupations Code, as amended by this Act.