

## **BILL ANALYSIS**

Senate Research Center  
81R3539 SLB-F

H.B. 2697  
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Administration  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Chapter 1301 (Plumbers), Texas Occupations Code, contains the Plumbing License Law which has been in effect since 1947 and provides the Texas State Board of Plumbing Examiners (TSBPE) with the authority to regulate the practice of plumbing in Texas. This bill amends Chapter 1301 to clarify what is already in practice or being enforced by the TSBPE. The amendments do not add any new requirements where a license is required and there are no provisions that increase the supervision of plumbing work by a licensed plumber. Furthermore, these amendments do not remove any existing exemptions to the Plumbing License Law.

H.B. 2697 amends current law relating to the licensing and regulation of plumbers.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1301.002, Occupations Code, by amending Subdivisions (2), (3), (4), (5), (6), (8), (9), and (10), and adding Subdivision (9-a), to redefine "drain cleaner," "drain cleaner-restricted registrant," "journeyman plumber," "master plumber," "plumber's apprentice," "plumbing inspector," "residential utilities installer," and "tradesman plumber-limited license holder" and to define "responsible master plumber."

SECTION 2. Amends Section 1301.302, Occupations Code, as follows:

Sec. 1301.302. **CONTRACT INFORMATION.** Requires that a written proposal, invoice, or contract relating to plumbing services performed by or under the direction of a plumber licensed under this chapter contain the name and license number of the responsible master plumber and the name, mailing address, and telephone number of the Texas State Board of Plumbing Examiners (TSBPE). Makes nonsubstantive changes.

SECTION 3. Amends Section 1301.351, Occupations Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Prohibits a person, other than a responsible master plumber, from engaging in plumbing, rather than the business of plumbing, unless the person holds the proper license, registration, or endorsement required by this chapter, rather than holds a license or endorsement or is registered under this chapter, and the person's work is supervised and controlled by a person licensed under this chapter. Makes nonsubstantive changes.

(a-1) Prohibits a person from acting as a responsible master plumber unless the person holds the appropriate license and meets the requirements for a responsible master plumber under this chapter.

(a-2) Requires a person that advertises or otherwise offers to perform or provide plumbing to secure the services of a responsible master plumber.

SECTION 4. Amends Section 1301.356(e), Occupations Code, to authorize a plumbing inspector who meets the requirements of TSBPE to hold a medical gas endorsement and inspect medical gas piping installations.

SECTION 5. Amends Section 1301.3576, Occupations Code, as follows:

Sec. 1301.3576. New heading: CERTIFICATE OF INSURANCE FOR RESPONSIBLE MASTER PLUMBER. Requires the person, when a person is issued a master plumber's license, to provide TSBPE with a certificate of insurance that meets the requirements of Section 1301.552 (Certificate of Insurance for Plumbing Permit in Political Subdivision) before the person works as a responsible master plumber.

SECTION 6. Amends Section 1301.451(a), Occupations Code, to require TSBPE to revoke, suspend, deny, or refuse to renew a license, endorsement, or registration or reprimand a holder of a license, endorsement, or registration for a violation of this chapter, an order issued by TSBPE, or a rule of TSBPE.

SECTION 7. Amends Section 1301.452(a), Occupations Code, to provide that a person is subject to disciplinary action under Section 1301.451 (Disciplinary Powers of Board) if the person violates this chapter, an order issued by TSBPE, or a TSBPE rule. Provides that a violation of this chapter includes certain acts, including 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 registration is required under this chapter. Makes a nonsubstantive change.

SECTION 8. Amends Section 1301.504, Occupations Code, by adding Subsection (d), to provide that venue for an action brought under this section is in a district court in Travis County.

SECTION 9. Amends Section 1301.5045(a), Occupations Code, as follows:

(a) Authorizes the executive director of TSBPE (executive director) to issue a cease and desist order as necessary to enforce this chapter if the executive director determines that the action is necessary to prevent a violation of this chapter and to protect public health and safety. Deletes existing text authorizing TSBPE, if it appears to TSBPE that a person is violating this chapter or a rule adopted under this chapter, after notice and opportunity for a hearing, to issue a cease and desist order prohibiting the person from engaging in the activity.

SECTION 10. Amends Section 1301.707, Occupations Code, as follows:

Sec. 1301.707. OPTIONS FOLLOWING DECISION: PAY OR APPEAL. (a) Creates this subsection from existing text.

(b) Provides that failure by the person to pay the penalty is grounds for TSBPE to refuse to renew the person's license or registration and to refuse to issue a new license or registration to the person.

SECTION 11. (a) Makes application of the changes in law made by this Act to Sections 1301.451 and 1301.452, Occupations Code, as amended by this Act, prospective.

(b) Makes application of Section 1301.504, Occupations Code, as amended by this Act, prospective.

SECTION 12. Effective date: September 1, 2009.