

BILL ANALYSIS

H.B. 2697
By: Gutierrez
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Plumbing License Law has been in effect since 1947 and provides the Texas State Board of Plumbing Examiners with the authority to regulate the practice of plumbing in Texas.

H.B. 2697 clarifies what is already in practice or being enforced by the Texas State Board of Plumbing Examiners, and does not add any new licensing requirements or increase the supervision of plumbing work by a licensed plumber.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2697 amends the Occupations Code to require a written proposal or invoice, in addition to a contract, relating to plumbing services performed by or under the direction of a licensed plumber to contain the name and license number of the responsible master plumber, in addition to the name, mailing address, and telephone number of the Texas State Board of Plumbing Examiners.

H.B. 2697 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. The bill requires a person that advertises or otherwise offers to perform or provide plumbing to secure the services of a responsible master plumber.

H.B. 2697 authorizes a plumbing inspector who meets the requirements of the board to hold a medical gas endorsement, in addition to being authorized to inspect medical gas piping installations.

H.B. 2697 adds a violation of an order issued by the board to the actions that require the board to deny, in addition to revoke, suspend, deny, or refuse, to renew a license, endorsement, or registration. The bill establishes 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 these provisions as constituting a violation. The bill establishes that the venue for an action brought in the name of the board to enjoin a person from violating these provisions or a board rule is in a district court in Travis County. The bill authorizes the executive director of the board to issue a cease and desist order as necessary to enforce these provisions if the executive director determines that the action is necessary to prevent a violation and to protect public health and safety, rather than authorizing the board, after notice and opportunity for a hearing, to issue the cease and desist order. The bill establishes failure by a person to pay an administrative penalty as grounds for the board to refuse to renew the person's license or registration and to refuse to issue a new license or registration to the person.

H.B. 2697 defines "responsible master plumber" to mean a person licensed as a master plumber

who allows the license to be used by one plumbing company for the purpose of offering and performing plumbing work under the license, is authorized to obtain permits for plumbing work, assumes responsibility for plumbing work performed under the person's license, and has submitted the required certificate of insurance. The bill adds to the definitions of "drain cleaner," "drain cleaner-restricted registrant," "journeyman plumber," "plumber's apprentice," "residential utilities installer," and "tradesman plumber-limited license holder" people who perform certain duties related to their position under the supervision of a responsible master plumber. The bill removes from the definition of "master plumber" a person who secures permits for plumbing work. The bill removes from the definition of "tradesman plumber-limited license holder" a person who has not met or attempted to meet the qualifications for a journeyman plumber license. The bill adds to the definition of "plumbing inspector" a person who is employed by or contracts as an independent contractor with a state agency, in addition to political subdivision.

EFFECTIVE DATE

September 1, 2009.