

By: Gutierrez

H.B. No. 2697

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of plumbers.

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

SECTION 1. Section 1301.002, Occupations Code, is amended by amending Subdivisions (2), (3), (4), (5), (6), (8), (9), and (10), and adding Subdivision (9-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 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 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 master plumber;

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

(D) has passed the required examination and fulfilled the other requirements of the board.

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

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

(B) ~~[secures permits for plumbing work,~~
~~[(C)]~~ is knowledgeable about the codes, ordinances, or rules governing the activities described by Paragraph ~~[Paragraphs]~~ (A) ~~[and (B)]~~;

(C) ~~[(D)]~~ performs or supervises plumbing work;
and

(D) ~~[(E)]~~ has passed the required examination and 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

1 license holder who, as the person's principal occupation, learns
2 about and assists in the installation of plumbing, has fulfilled
3 the requirements of and is registered by the board, and works under
4 the supervision of a responsible master plumber and the direct
5 supervision of a licensed plumber.

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

7 (A) is employed by a state agency or political
8 subdivision, or contracts as an independent contractor with a state
9 agency or political subdivision, to inspect plumbing in connection
10 with health and safety laws, including ordinances, and plumbing and
11 gas codes; and

12 (B) has passed the required examination and
13 fulfilled the other requirements of the board.

14 (9) "Residential utilities installer" means a person
15 who:

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

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

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

24 (9-a) "Responsible master plumber" means a person
25 licensed as a master plumber under this chapter who:

26 (A) allows the person's master plumber license to
27 be used by one plumbing company for the purpose of offering and

1 performing plumbing work under the person's master plumber license;

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

4 (C) assumes responsibility for plumbing work
5 performed under the person's license; and

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

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

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

13 (B) has passed the required examination and
14 fulfilled the other requirements of the board; and

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

18 [~~(D) has not met or attempted to meet the~~
19 ~~qualifications for a journeyman plumber license]~~.

20 SECTION 2. Section 1301.302, Occupations Code, is amended
21 to read as follows:

22 Sec. 1301.302. CONTRACT INFORMATION. A written proposal,
23 invoice, or contract relating to [~~for~~] plumbing services [~~to be~~]
24 performed by or under the direction of a plumber licensed under this
25 chapter must contain the name and license number of the responsible
26 master plumber and the name, mailing address, and telephone number
27 of the board.

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

(a) A person, other than a responsible master plumber, may not engage in ~~[the business of]~~ plumbing unless:

(1) the person holds the proper ~~[a]~~ license, registration, or endorsement required by ~~[or is registered under]~~ this chapter; and ~~[or]~~

(2) the person's work is supervised and controlled by a person licensed under this chapter.

(a-1) A person may not act 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) A person that advertises or otherwise offers to perform or provide plumbing must secure the services of a responsible master plumber.

SECTION 4. Section 1301.356(e), Occupations Code, is amended to read as follows:

(e) A plumbing inspector who meets the requirements of the board may hold a medical gas endorsement and inspect medical gas piping installations.

SECTION 5. Section 1301.3576, Occupations Code, is amended to read as follows:

Sec. 1301.3576. CERTIFICATE OF INSURANCE FOR RESPONSIBLE MASTER PLUMBER. When a person is issued a master plumber's license, the person must provide the board with a certificate of insurance that meets the requirements of Section 1301.552 before the person

1 works as a responsible master plumber.

2 SECTION 6. Section 1301.451(a), Occupations Code, is
3 amended to read as follows:

4 (a) The board shall revoke, suspend, deny, or refuse to
5 renew a license, endorsement, or registration or shall reprimand a
6 holder of a license, endorsement, or registration for a violation
7 of this chapter, an order issued by the board, or a rule of the
8 board.

9 SECTION 7. Section 1301.452(a), Occupations Code, is
10 amended to read as follows:

11 (a) A person is subject to disciplinary action under Section
12 1301.451 if the person violates this chapter, an order issued by the
13 board, or a board rule. A violation of this chapter includes:

14 (1) obtaining a license, endorsement, or registration
15 through error or fraud;

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

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

21 (4) making a false promise with the intent to induce a
22 person to contract for a service; or

23 (5) employing a person who does not hold a license or
24 endorsement or who is not registered to engage in an activity for
25 which a license, endorsement, or registration is required under
26 this chapter.

27 SECTION 8. Section 1301.504, Occupations Code, is amended

by adding Subsection (d) to read as follows:

(d) Venue for an action brought under this section is in a district court in Travis County.

SECTION 9. Section 1301.5045(a), Occupations Code, is amended to read as follows:

(a) The executive director ~~[If it appears to the board that a person is violating this chapter or a rule adopted under this chapter, the board, after notice and opportunity for a hearing,]~~ may 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 ~~[prohibiting the person from engaging in the activity]~~.

SECTION 10. Section 1301.707, Occupations Code, is amended to read as follows:

Sec. 1301.707. OPTIONS FOLLOWING DECISION: PAY OR APPEAL.

(a) Not later than the 30th day after the date the board's order becomes final, the person shall:

(1) pay the penalty; or

(2) file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both.

(b) Failure by the person to pay the penalty is 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.

SECTION 11. (a) The changes in law made by this Act to Sections 1301.451 and 1301.452, Occupations Code, apply to a violation that occurs on or after the effective date of this Act. A

1 violation that occurs before the effective date of this Act is
2 governed by the law in effect on the date of the violation, and the
3 former law is continued in effect for that purpose.

4 (b) The change in law made by this Act to Section 1301.504,
5 Occupations Code, applies to an action commenced on or after the
6 effective date of this Act. An action commenced before the
7 effective date of this Act is governed by the law in effect on the
8 date the action was commenced, and the former law is continued in
9 effect for that purpose.

10 SECTION 12. This Act takes effect September 1, 2009.