

1-1 By: Gutierrez (Senate Sponsor - Jackson) H.B. No. 2697
1-2 (In the Senate - Received from the House May 8, 2009;
1-3 May 12, 2009, read first time and referred to Committee on
1-4 Administration; May 20, 2009, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 20, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the licensing and regulation of plumbers.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 1301.002, Occupations Code, is amended
1-11 by amending Subdivisions (2), (3), (4), (5), (6), (8), (9), and
1-12 (10), and adding Subdivision (9-a) to read as follows:

1-13 (2) "Drain cleaner" means a person who:

1-14 (A) has completed at least 4,000 hours working
1-15 under the supervision of a master plumber as a drain
1-16 cleaner-restricted registrant;

1-17 (B) has fulfilled the requirements of and is
1-18 registered with the board; and

1-19 (C) installs cleanouts and removes and resets
1-20 p-traps to eliminate obstructions in building drains and sewers
1-21 under the supervision of a responsible master plumber.

1-22 (3) "Drain cleaner-restricted registrant" means a
1-23 person who:

1-24 (A) has worked as a plumber's apprentice under
1-25 the supervision of a master plumber;

1-26 (B) has fulfilled the requirements of and is
1-27 registered with the board; and

1-28 (C) clears obstructions in sewer and drain lines
1-29 through any code-approved existing opening under the supervision of
1-30 a responsible master plumber.

1-31 (4) "Journeyman plumber" means a person licensed under
1-32 this chapter who:

1-33 (A) has met the qualifications for registration
1-34 as a plumber's apprentice or for licensing as a tradesman
1-35 plumber-limited license holder;

1-36 (B) has completed at least 8,000 hours working
1-37 under the supervision of a master plumber;

1-38 (C) installs, changes, repairs, services, or
1-39 renovates plumbing or supervises any of those activities under the
1-40 supervision of a responsible master plumber; and

1-41 (D) has passed the required examination and
1-42 fulfilled the other requirements of the board.

1-43 (5) "Master plumber" means a person licensed under
1-44 this chapter who:

1-45 (A) is skilled in the planning and superintending
1-46 of plumbing and in the practical installation, repair, and
1-47 servicing of plumbing;

1-48 (B) ~~secures permits for plumbing work,~~
1-49 ~~(C)~~ is knowledgeable about the codes,
1-50 ordinances, or rules governing the activities described by
1-51 Paragraph ~~Paragraphs~~ (A) ~~and (B)~~;

1-52 (C) ~~(D)~~ performs or supervises plumbing work;
1-53 and

1-54 (D) ~~(E)~~ has passed the required examination and
1-55 fulfilled the other requirements of the board.

1-56 (6) "Plumber's apprentice" means a person other than a
1-57 master plumber, journeyman plumber, or tradesman plumber-limited
1-58 license holder who, as the person's principal occupation, learns
1-59 about and assists in the installation of plumbing, has fulfilled
1-60 the requirements of and is registered by the board, and works under
1-61 the supervision of a responsible master plumber and the direct
1-62 supervision of a licensed plumber.

1-63 (8) "Plumbing inspector" means a person who:

1-64 (A) is employed by a state agency or political
1-65 subdivision, or contracts as an independent contractor with a state

2-1 agency or political subdivision, to inspect plumbing in connection
 2-2 with health and safety laws, including ordinances, and plumbing and
 2-3 gas codes; and

2-4 (B) has passed the required examination and
 2-5 fulfilled the other requirements of the board.

2-6 (9) "Residential utilities installer" means a person
 2-7 who:

2-8 (A) has completed at least 2,000 hours working
 2-9 under the supervision of a master plumber as a plumber's
 2-10 apprentice;

2-11 (B) has fulfilled the requirements of and is
 2-12 registered with the board; and

2-13 (C) constructs and installs yard water service
 2-14 piping for one-family or two-family dwellings and building sewers
 2-15 under the supervision of a responsible master plumber.

2-16 (9-a) "Responsible master plumber" means a person
 2-17 licensed as a master plumber under this chapter who:

2-18 (A) allows the person's master plumber license to
 2-19 be used by one plumbing company for the purpose of offering and
 2-20 performing plumbing work under the person's master plumber license;

2-21 (B) is authorized to obtain permits for plumbing
 2-22 work;

2-23 (C) assumes responsibility for plumbing work
 2-24 performed under the person's license; and

2-25 (D) has submitted a certificate of insurance as
 2-26 required by Section 1301.3576.

2-27 (10) "Tradesman plumber-limited license holder" means
 2-28 a person who:

2-29 (A) has completed at least 4,000 hours working
 2-30 under the direct supervision of a journeyman or master plumber as a
 2-31 plumber's apprentice;

2-32 (B) has passed the required examination and
 2-33 fulfilled the other requirements of the board; and

2-34 (C) constructs and installs plumbing for
 2-35 one-family or two-family dwellings under the supervision of a
 2-36 responsible master plumber [, and

2-37 [(D) has not met or attempted to meet the
 2-38 qualifications for a journeyman plumber license].

2-39 SECTION 2. Section 1301.302, Occupations Code, is amended
 2-40 to read as follows:

2-41 Sec. 1301.302. CONTRACT INFORMATION. A written proposal,
 2-42 invoice, or contract relating to [for] plumbing services [to be]
 2-43 performed by or under the direction of a plumber licensed under this
 2-44 chapter must contain the name and license number of the responsible
 2-45 master plumber and the name, mailing address, and telephone number
 2-46 of the board.

2-47 SECTION 3. Section 1301.351, Occupations Code, is amended
 2-48 by amending Subsection (a) and adding Subsections (a-1) and (a-2)
 2-49 to read as follows:

2-50 (a) A person, other than a responsible master plumber, may
 2-51 not engage in [the business of] plumbing unless:

2-52 (1) the person holds the proper [a] license,
 2-53 registration, or endorsement required by [or is registered under]
 2-54 this chapter; and [or]

2-55 (2) the person's work is supervised and controlled by a
 2-56 person licensed under this chapter.

2-57 (a-1) A person may not act as a responsible master plumber
 2-58 unless the person holds the appropriate license and meets the
 2-59 requirements for a responsible master plumber under this chapter.

2-60 (a-2) A person that advertises or otherwise offers to
 2-61 perform or provide plumbing must secure the services of a
 2-62 responsible master plumber.

2-63 SECTION 4. Section 1301.356(e), Occupations Code, is
 2-64 amended to read as follows:

2-65 (e) A plumbing inspector who meets the requirements of the
 2-66 board may hold a medical gas endorsement and inspect medical gas
 2-67 piping installations.

2-68 SECTION 5. Section 1301.3576, Occupations Code, is amended
 2-69 to read as follows:

2-70 Sec. 1301.3576. CERTIFICATE OF INSURANCE FOR RESPONSIBLE

3-1 MASTER PLUMBER. When a person is issued a master plumber's license,
3-2 the person must provide the board with a certificate of insurance
3-3 that meets the requirements of Section 1301.552 before the person
3-4 works as a responsible master plumber.

3-5 SECTION 6. Section 1301.451(a), Occupations Code, is
3-6 amended to read as follows:

3-7 (a) The board shall revoke, suspend, deny, or refuse to
3-8 renew a license, endorsement, or registration or shall reprimand a
3-9 holder of a license, endorsement, or registration for a violation
3-10 of this chapter, an order issued by the board, or a rule of the
3-11 board.

3-12 SECTION 7. Section 1301.452(a), Occupations Code, is
3-13 amended to read as follows:

3-14 (a) A person is subject to disciplinary action under Section
3-15 1301.451 if the person violates this chapter, an order issued by the
3-16 board, or a board rule. A violation of this chapter includes:

3-17 (1) obtaining a license, endorsement, or registration
3-18 through error or fraud;

3-19 (2) wilfully, negligently, or arbitrarily violating a
3-20 municipal rule or ordinance that regulates sanitation, drainage, or
3-21 plumbing;

3-22 (3) making a misrepresentation of services provided or
3-23 to be provided; ~~or~~

3-24 (4) making a false promise with the intent to induce a
3-25 person to contract for a service; or

3-26 (5) employing a person who does not hold a license or
3-27 endorsement or who is not registered to engage in an activity for
3-28 which a license, endorsement, or registration is required under
3-29 this chapter.

3-30 SECTION 8. Section 1301.504, Occupations Code, is amended
3-31 by adding Subsection (d) to read as follows:

3-32 (d) Venue for an action brought under this section is in a
3-33 district court in Travis County.

3-34 SECTION 9. Section 1301.5045(a), Occupations Code, is
3-35 amended to read as follows:

3-36 (a) The executive director ~~[If it appears to the board that~~
3-37 ~~a person is violating this chapter or a rule adopted under this~~
3-38 ~~chapter, the board, after notice and opportunity for a hearing,~~
3-39 may issue a cease and desist order as necessary to enforce this
3-40 chapter if the executive director determines that the action is
3-41 necessary to prevent a violation of this chapter and to protect
3-42 public health and safety ~~[prohibiting the person from engaging in~~
3-43 ~~the activity].~~

3-44 SECTION 10. Section 1301.707, Occupations Code, is amended
3-45 to read as follows:

3-46 Sec. 1301.707. OPTIONS FOLLOWING DECISION: PAY OR APPEAL.

3-47 (a) Not later than the 30th day after the date the board's order
3-48 becomes final, the person shall:

3-49 (1) pay the penalty; or

3-50 (2) file a petition for judicial review contesting the
3-51 occurrence of the violation, the amount of the penalty, or both.

3-52 (b) Failure by the person to pay the penalty is grounds for
3-53 the board to refuse to renew the person's license or registration
3-54 and to refuse to issue a new license or registration to the person.

3-55 SECTION 11. (a) The changes in law made by this Act to
3-56 Sections 1301.451 and 1301.452, Occupations Code, apply to a
3-57 violation that occurs on or after the effective date of this Act. A
3-58 violation that occurs before the effective date of this Act is
3-59 governed by the law in effect on the date of the violation, and the
3-60 former law is continued in effect for that purpose.

3-61 (b) The change in law made by this Act to Section 1301.504,
3-62 Occupations Code, applies to an action commenced on or after the
3-63 effective date of this Act. An action commenced before the
3-64 effective date of this Act is governed by the law in effect on the
3-65 date the action was commenced, and the former law is continued in
3-66 effect for that purpose.

3-67 SECTION 12. This Act takes effect September 1, 2009.