

## **BILL ANALYSIS**

Senate Research Center

S.B. 805  
By: Brown  
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As Filed

### **DIGEST**

The Plumbing License Law (Article 6243-101, V.T.C.S.) has been amended numerous times, and the State Board of Plumbing Examiners' rules have further changed the regulatory climate under which plumbing is performed in the state. In addition, changes in technology have altered the nature and regulation of plumbing and related practices.

This bill would strengthen oversight of plumbing apprentices, expand the number of consumers protected by the law, and abolish duplicate permitting requirements in areas that are governed by standards established by municipalities and municipal utility districts.

### **PURPOSE**

As proposed, S.B. 805 sets forth provisions for the regulation of the practice of plumbing.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas State Board of Plumbing Examiners in SECTIONS 6, 9, and 11 (Sections 8(f), 8C(a) and (c), and 12(a), Article 6243-101, V.T.C.S.) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2, Article 6243-101, V.T.C.S. (The Plumbing License Law), to redefine "plumbing," "master plumber," "plumber's apprentice," and "plumbing inspector."

SECTION 2. Amends Section 3, Article 6243-101, V.T.C.S., to delete certain provisions from a list of acts, work, or conduct required to be expressly permitted without a license.

SECTION 3. Amends Section 3A(a), Article 6243-101, V.T.C.S., to delete the citation that previously defined the requirement under this section. Makes a conforming and nonsubstantive changes.

SECTION 4. Amends Section 4(a), Article 6243-101, V.T.C.S., to require one member of the Texas State Board of Plumbing Examiners (board) to be a licensed professional, rather than sanitary, engineer engaged in the practice of plumbing engineering and design among other conditions.

SECTION 5. Amends Sections 5(a) and (d), Article 6243-101, V.T.C.S., to require the board's examiners to register persons as plumber's apprentices in a manner prescribed by board rules. Requires, rather than authorizes, the board to recognize, prepare, or implement continuing education programs for licensees, endorsees, and plumber's apprentices. Deletes a provision stating that participation in the programs is voluntary.

SECTION 6. Amends Section 8, Article 6243-101, V.T.C.S., as follows:

Sec. 8. New heading: ISSUANCE OF LICENSES AND CERTIFICATES OF REGISTRATION. Provides that an apprentice is required to be registered with the board by the master plumber who employs the apprentice or by the training director of the United States Department of Labor Bureau of Apprenticeship Training Program. Requires the board to issue a certificate of registration to a plumber's apprentice. Authorizes a license holder

whose license was eligible for renewal when the license holder retired and who is not actively engaged in the business of plumbing to apply for retired status. Requires the board, by rule, to adopt procedures and requirements for placing a license on retired status. Provides that a license holder on retired status is not required to complete continuing education while the person is on retired status.

SECTION 7. Amends Section 8A(e), Article 6243-101, V.T.C.S., to require each written contract for plumbing services on this state, rather than of a licensed plumber, to contain the name, mailing address, and telephone number of the board.

SECTION 8. Amends Section 8B, Article 6243-101, V.T.C.S., to redesignate this section as Section 8D. Requires, rather than authorizes, each plumbing inspector to enforce this Act.

SECTION 9. Amends Sections 8C(a) and (c), Article 6243-101, V.T.C.S., to require the board to issue a medical gas piping endorsement for a plumbing inspector who meets the requirements for an endorsement under this section. Authorizes a plumbing inspector to inspect medical gas piping installations. Provides that an endorsement under this section is valid for three years and may be renewed as provided by board rule, rather than on or before February 1, or as provided by Section 12A of this Act, in the same manner as a license renewal under Section 12 of this Act.

SECTION 10. Amends Sections 9(a), (c), (d), and (e), Article 6243-101, V.T.C.S., to require the board to revoke or suspend a license, endorsement, or certificate of registration, probate a license, endorsement or certificate of registration suspension, or reprimand a licensee or registrant for any violation of this Act or rules of the board. Authorizes any person whose license, endorsement, or certificate of registration has been revoked to apply to the board for a new license, endorsement, or certificate of registration after the expiration of one year from the date of such revocation. Provides that if the board proposed to refuse a person's application for a license, endorsement, or certificate of registration, rather than licensure, or to suspend or revoke a person's license endorsement, or certificate of registration the person is entitled to a hearing before the board. Makes conforming and nonsubstantive changes.

SECTION 11. Amends Section 12, Article 6243-101, V.T.C.S., to delete a provision requiring the board to forward to a certain authority the names and addresses of all persons in such towns to whom such licenses have been granted. Requires a license or certificate of registration to be issued for one year and may be renewed annually, rather than on or before February 1st or as provided by Section 12A of this Act, upon payment of the required fee. Authorizes the board to adopt rules under which licenses, endorsements, and certificates of registration expire on various dates throughout the year. Authorizes a person to pay a renewal fee to the board under certain conditions and a fee for a certificate of registration, that is one-half of the registration fee, among other conditions. Requires the licensee or registrant to notify the board of any change of the person's name or address not later than the 30th day after the date of the change. Makes conforming and nonsubstantive changes.

SECTION 12. Amends Sections 12b(a) and (d), Article 6243-101, V.T.C.S., to provide that a person holding a license, endorsement, or certificate of registration under this Act, rather than a person who lives in a county having no city with a population in excess of 100,000, to fulfill the continuing professional education requirement of this section through a correspondence course as provided by board rule.

SECTION 13. Amends Section 14(a), Article 6243-101, V.T.C.S., to add a plumber's apprentice to a list of persons prohibited from engaging in certain work-related activities. Provides that it is unlawful for any person, firm, or corporation to engage in or work at the business of installing plumbing and doing plumbing work unless such installation of plumbing or plumbing work is done under the direct supervision and control of a plumber licensed under this Act.

SECTION 14. Amends Section 15, Article 6243-101, V.T.C.S., by adding Subsections (d), (e), and (f), as follows:

(d) Prohibits a person holding a master plumber's license from acting as a master plumber

unless the master plumber has submitted to the board a certificate of insurance that meets the requirement of Subsection (c) of this section.

(e) Provides that a municipality having certain boundaries is the controlling jurisdiction and is the only entity that may perform required plumbing inspections in certain areas. Authorizes a municipal utility district to perform its own inspection under this subsection under certain conditions.

(f) Authorizes a municipality or municipal utility district performing a plumbing inspection in certain areas to only collect an inspection permit fee if the entity is entitled to perform the inspection under Subsection (e) of this section.

SECTION 15. Repealer: Section 12A, Article 6243-101, V.T.C.S. (Expiration Date of Licenses; Proration of Fees).

SECTION 16. (a) Effective date: September 1, 1997, except as otherwise provided by this section.

(b) Requires the Texas State Board of Plumbing Examiners to adopt rules under Sections 5(a) and 12(a), Article 6243-101, V.T.C.S., not later than December 31, 1997.

(c) Requires the Texas State Board of Plumbing Examiners to adopt rules under Sections 5(d) and 12B, Article 6243-101, V.T.C.S., not later than February 1, 1998.

(d) Provides that a person performing plumbing service who must obtain a license because of the changes made by this Act to Section 3, Article 6243-101, V.T.C.S., is not required to obtain a master or journeyman plumber license to perform those functions until February 1, 1998.

(e) Provides that the requirement under Section 8(e), Article 6243-101, V.T.C.S., as added by this Act, takes effect February 1, 1998.

(f) Provides that a master plumber who holds a license on the effective date of this Act is not required to obtain a certificate of insurance under Section 15(d), Article 6243-101, V.T.C.S., as added by this Act, until February 1, 1998.

SECTION 17. Emergency clause.