

BILL ANALYSIS

Senate Research Center

C.S.S.B. 805
By: Brown
State Affairs
3-31-97
Committee Report (Substituted)

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, C.S.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 5, 6, 9, and 11 (Sections 5(a), 8(e), 8C(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," and "plumbing inspector."

SECTION 2. Amends Section 3, Article 6243-101, V.T.C.S., to require plumbing work done on a single family residential property not connected to a public water system and located outside the municipal limits of any organized city, town, or village in this state, rather than plumbing work done outside the municipal limits of any organized city, town, or village in this state or within any such city, town or village of less than 5,000 inhabitants, unless required by ordinance on such city, town or village of less than 5,000 inhabitants, to be permitted without 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 knowledgeable 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, by rule, to require apprentices to register with the board. Requires, rather than authorizes, the board to recognize, prepare, or implement continuing education programs for licensees and endorsees. Deletes a provision stating that participation in the programs is voluntary.

SECTION 6. Amends Section 8, Article 6243-101, V.T.C.S., to authorize 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 in this state, rather than services 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. Provides that this section does not require a municipality to deploy inspectors to enforce this Act other than to require a municipality to issue permits only to master plumbers.

SECTION 9. Amends Sections 8C(a) and (c), Article 6243-101, V.T.C.S., to authorize a person who holds a medical gas endorsement 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 or endorsement, probate a license or endorsement suspension, or reprimand a licensee or registrant for any violation of this Act or rules of the board. Authorizes any person whose license or endorsement has been revoked to apply to the board for a new license or endorsement after the expiration of one year from the date of such revocation. Provides that if the board proposes to refuse a person's application for a license or endorsement, rather than licensure, or to suspend or revoke a person's license or endorsement, 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 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 or endorsements 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 an endorsement, that is one-half of the registration fee, among other conditions. Requires the licensee 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 or endorsement 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 provide 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 active 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 municipal utility district having certain boundaries is the controlling jurisdiction and the only entity that may perform required plumbing inspections in an area located in both the municipal utility district and the municipality. Authorizes a municipality to perform its own inspections under certain conditions.

(f) Authorizes a municipal utility district or municipality performing a plumbing inspection in an area in which the boundaries of those entities overlap to collect only an inspection permit fee under certain conditions.

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(d) and 12B, Article 6243-101, V.T.C.S., not later than February 1, 1998.

(c) 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.

(d) 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.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Deletes proposed Section 2(4), Article 6243-101, V.T.C.S.

SECTION 2.

Amends Section 3, Article 6243-101, V.T.C.S., to require plumbing work done on a single family residential property not connected to a public water system and located outside the municipal limits of an organized city, town, or village in this state to be permitted without a license. Includes certain provisions to a list of acts, works, or conduct requires to be expressly permitted without a license which were originally deleted in the proposed version.

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 knowledgeable 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 authorize the board to require apprentices to register with the board. Requires the board to recognize, prepare, or implement continuing education programs for licensees and endorsees, rather than for licensees, endorsees, and plumber's apprentices.

SECTION 6.

Amends Section 8, Article 6243-101, V.T.C.S., to delete the proposed new heading for Section 8. Deletes proposed Section 8(e) and redesignates proposed Subsection (f) as new Subsection (e).

SECTION 8.

Amends Section 8A(e), Article 6243-101, V.T.C.S., to provide that this section does not require a municipality to deploy inspectors to enforce this Act other than to require a municipality to issue permits only to master plumbers.

SECTION 9.

Amends Section 8C(a), Article 6243-101, V.T.C.S., to delete provisions requiring the board to issue a medical gas piping endorsement to a plumbing inspector who meets the requirements for an endorsement under this section and authorizing certain plumbing inspectors to inspect medical gas installations. Adds a provision authorizing a person who holds a medical gas endorsement to inspect medical gas piping installations.

SECTION 10.

Amends Sections 9(a), (c), (d), and (e), Article 6243-101, V.T.C.S., to delete a certificate of registration from all of the provisions for a license or endorsement under this section.

SECTION 11.

Amends Section 12, Article 6243-101, V.T.C.S., to make conforming and nonsubstantive changes.

SECTION 12.

Amends Sections 12B(a) and (d), Article 6243-101, V.T.C.S., to make conforming and nonsubstantive changes.

SECTION 13.

Amends Section 14(a), Article 6243-101, V.T.C.S., to delete a plumber's apprentice from the list of persons who shall not engage in, work at, or conduct the business of plumbing under certain circumstances. Provides that it is unlawful for a person to engage in or work at the business of plumbing unless such installation or plumbing or plumbing work is done under the active, rather than direct, supervision and control of a plumber licensed under this Act.

SECTION 14.

Amends Section 15, Article 6243-101, V.T.C.S., to delete proposed Subsection (e) and (f) and adds new Subsections (e) and (f), to authorize a municipal utility district having certain boundaries to perform required plumbing inspections in an area located in both the municipal utility district and the municipality. Authorizes a municipality to perform its own inspections under certain conditions. Authorizes a municipal utility district or municipality performing a plumbing inspection in an area in which the boundaries of those entities overlap to collect an inspection permit fee under certain conditions.

SECTION 16.

Deletes proposed Subsections (b) and (e) and renumbers proposed Subsections (c), (d), and (f) as new Subsections (b), (c), and (d).