Chapter 1380

S.B. No. 1354

1

AN ACT

2 relating to the licensing and regulation of plumbers.

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

4 SECTION 1. Subdivisions (4), (5), (7), (8), and (10),

5 Section 1301.002, Occupations Code, are amended to read as follows:

6 (4) "Journeyman plumber" means a person licensed under

7 this chapter who:

8 (A) has met the qualifications for registration

9 as a plumber's apprentice or for licensing as a tradesman

10 plumber-limited license holder;

11 (B) has completed at least 8,000 hours working

12 under the supervision of a master plumber;

13 (C) installs, changes, repairs, services, or

14 renovates plumbing or supervises any of those activities; and

15 (D) has passed the required examination; and

16 (E) has fulfilled the other requirements of the

17 board.

18 (5) "Master plumber" means a person licensed under

19 this chapter who:

20 (A) is skilled in the design, planning, and

21 superintending of plumbing and in the practical installation,

22 repair, and servicing of plumbing;

23 (B) has worked as a journeyman plumber:

24 (i) for at least four years; or

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(ii) for at least one year and has successfully completed a training program approved by the United States Department of Labor Office of Apprenticeship or another nationally recognized apprentice training program accepted by the board [secures permits for plumbing work];

(C) [is knowledgeable about the codes, ordinances, or rules governing the activities described by Paragraphs (A) and (B)]

[D] [E] performs or supervises plumbing work;

and

[E] has fulfilled the other requirements of the board.

(7) "Plumbing" means:

(A) a fixture, appurtenance, appliance, or piping, including a disposal system, used [in or around a building in which a person lives or works or in which persons assemble] to:

(i) supply, distribute, circulate, or recirculate water, other liquid, or gas; or

(ii) eliminate sewage for a personal or domestic purpose;

(B) a fixture, appurtenance, appliance, or piping used outside a building to connect the building to:

(i) a supply of water, other liquid, medical gases and vacuum, or other gas on the premises; or

(ii) the main in the street or alley or at
the curb;
(C) a fixture, appurtenance, appliance, or piping, including a drain or waste pipe, used to carry wastewater or sewage from or within a building to:
   (i) a sewer service lateral at the curb or in the street or alley; or
   (ii) a disposal or septic terminal that holds private or domestic sewage; or
   (D) the installation, repair, service, or maintenance of a fixture, appurtenance, appliance, or piping described by Paragraph (A), (B), or (C).
(8) "Plumbing inspector" means a person who:
   (A) is employed by a political subdivision or state agency, or contracts as an independent contractor with a political subdivision or state agency, to inspect plumbing in connection with health and safety laws, including ordinances, and plumbing and gas codes; [and]
   (B) has passed the required examination; and
   (C) has fulfilled the other requirements of the board.
(10) "Tradesman plumber-limited license holder" means a person who:
   (A) has completed at least 4,000 hours working under the direct supervision of a journeyman or master plumber as a plumber's apprentice;
   (B) has passed the required examination [and fulfilled the other requirements of the board];
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(C) constructs and installs plumbing for
one-family or two-family dwellings; [and]

(D) has not met or attempted to meet the
qualifications for a journeyman plumber license; and

(E) has fulfilled the other requirements of the
board.

SECTION 2. Section 1301.052, Occupations Code, is amended
to read as follows:

Sec. 1301.052. WORK INSIDE COUNTIES OR INSIDE OR OUTSIDE
MUNICIPALITIES. A person is not required to be licensed under this
chapter to perform plumbing, other than plumbing performed in
conjunction with new construction, repair, or remodeling, on a
property that is:

(1) located in a subdivision or on a tract of land that
is not required to be platted under Section 232.0015, Local
Government Code; [or]

(2) not connected to a public water system and is
located outside a municipality; [or]

(3) located outside a municipality and connected to a
public water system that does not require a license to perform
plumbing; or

(4) located inside a municipality that is within a
county that has fewer than 50,000 inhabitants and that:

(A) has [with] fewer than 5,000 inhabitants; and

(B) by municipal ordinance has authorized a
person who is not licensed under this chapter to perform plumbing[;

unless an ordinance of the municipality requires the person to be
SECTION 3. Subsection (a), Section 1301.053, Occupations Code, is amended to read as follows:

(a) A person is not required to be licensed under this chapter to perform:

(1) plumbing incidental to and in connection with the business in which the person is employed or engaged if the person:

(A) is regularly employed as or acting as a maintenance person or maintenance engineer; and

(B) does not engage in plumbing for the public;

(2) construction, installation, or maintenance on the premises or equipment of a railroad if the person is an employee of the railroad who does not engage in plumbing for the public;

(3) plumbing if the person is engaged by a public service company to:

(A) lay, maintain, or operate its service mains or lines to the point of measurement; and

(B) install, change, adjust, repair, remove, or renovate appurtenances, equipment, or appliances;

(4) appliance installation and service work, other than installation and service work on water heaters, that involves connecting appliances to existing openings with a code-approved appliance connector if the person performs the work as an appliance dealer or an employee of an appliance dealer; or

(5) water treatment installations, exchanges, services, or repairs.

SECTION 4. Subsection (a), Section 1301.203, Occupations
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1 Code, is amended to read as follows:
2     (a) The board may employ a field representative to assist
3     the board in enforcing this chapter and rules adopted under this
4     chapter. A field representative must [be]:
5     (1) hold a license as a plumber under this chapter;
6     (2) be knowledgeable of this chapter and municipal
7     ordinances relating to plumbing; and
8     (3) be [(2)] qualified by experience and training in
9     plumbing practice.
10     SECTION 5. Section 1301.354, Occupations Code, is amended
11     by adding Subsection (b-1) to read as follows:
12     (b-1) At the applicant's request, the board may credit an
13     applicant under Subsection (b) with a number of hours determined by
14     board rule against the number of hours of work experience required
15     to take an examination if the applicant has received an associate of
16     applied science degree from a plumbing technology program that:
17     (1) includes a combination of classroom and on-the-job
18     training; and
19     (2) is approved by the board and the Texas Higher
20     Education Coordinating Board.
21     SECTION 6. Subchapter H, Chapter 1301, Occupations Code, is
22     amended by adding Section 1301.405 to read as follows:
23     Sec. 1301.405. MANDATORY TRAINING FOR DRAIN CLEANER, DRAIN
24     CLEANER-RESTRICTED REGISTRANT, AND RESIDENTIAL UTILITIES
25     INSTALLER. (a) To renew the certificate of registration, a person
26     who holds a certificate of registration under this chapter as a
27     drain cleaner, drain cleaner-restricted registrant, or residential
utilities installer must annually complete at least six hours of
approved training that includes training in health and safety
requirements, board-approved plumbing codes, and water
conservation.

(b) A person may receive credit for participating in a
training program only if the program is provided:
(1) by a person approved by the board; and
(2) according to criteria adopted by the board.

(c) The board by rule may exempt certain persons from the
requirements of this section if the board determines that the
exemption is in the public interest.

SECTION 7. Section 1301.551, Occupations Code, is amended
by adding Subsections (e), (f), (g), and (h) to read as follows:

(e) A municipality or other political subdivision in this
state that requires a plumbing contractor to obtain a permit before
the person performs plumbing shall by telephone, fax, or e-mail:
(1) accept permit applications;
(2) collect required fees; and
(3) issue the required permits.

(f) If drawings of proposed plumbing work are required by
the municipality or other political subdivision, the municipality
or political subdivision shall specify how permit drawings are to
be submitted.

(g) A person who is required to obtain a permit under this
section is not required to pay a plumbing registration fee or
administrative fee in a municipality or any other political
subdivision.
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(h) A plumbing contractor must register, electronically or in person, with a municipality or other political subdivision that requires registration before performing plumbing regulated by the municipality or other political subdivision.

SECTION 8. Sections 1301.552 and 1301.553, Occupations Code, are amended to read as follows:

Sec. 1301.552. CERTIFICATE OF INSURANCE FOR PLUMBING PERMIT IN POLITICAL SUBDIVISION. A political subdivision that requires a plumbing contractor to obtain a permit before performing plumbing in the political subdivision shall verify through the board's Internet website, or by contacting the board by telephone, that the plumbing contractor has on file with the board [master plumber to have a bond before issuing a permit to the master plumber shall accept either a bond or] a certificate of insurance. The certificate of insurance must:

(1) be written by a company licensed to do business in this state;

(2) provide for commercial general liability insurance for the master plumber for a claim for property damage or bodily injury, regardless of whether the claim arises from negligence or on a contract; and

(3) provide coverage of not less than $300,000 for all claims arising in a one-year period.

Sec. 1301.553. PLUMBING INSPECTIONS IN MUNICIPALITY THAT OVERLAPS ANOTHER POLITICAL SUBDIVISION [MUNICIPAL-UTILITY DISTRICT]. [(a)] If the boundaries of a municipality and another political subdivision [a municipal utility district] overlap, only
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1 the affected municipality may perform a plumbing inspection and
2 collect a permit fee.
3 [(b) The standard used in the plumbing inspection may not be
4 less restrictive than the standard used by the municipal utility
5 district.]
6
7 SECTION 9. (a) Not later than January 1, 2010, the Texas
8 State Board of Plumbing Examiners shall adopt the rules and approve
9 the programs necessary to implement the changes in law made by this
10 Act to Chapter 1301, Occupations Code.
11
12 (b) The changes in law made by this Act to the requirements
13 for issuance of a license or certificate of registration under
14 Chapter 1301, Occupations Code, as amended by this Act, apply only
15 to an application submitted for the issuance or renewal of a license
16 or certificate of registration under Chapter 1301, Occupations
17 Code, on or after January 1, 2010. An application submitted before
18 that date is governed by the law in effect when the application was
19 submitted, and that law is continued in effect for that purpose.
20
21 SECTION 10. This Act takes effect September 1, 2009.
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Rand Paul
President of the Senate

I hereby certify that S.B. No. 1354 passed the Senate on April 2, 2009, by the following vote: Yeas 31, Nays 0.

Johann R. Lande
Secretary of the Senate

I hereby certify that S.B. No. 1354 passed the House on May 26, 2009, by the following vote: Yeas 131, Nays 14, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

19 June 09

Rick Perry
Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE
9:15 O’CLOCK

Jun 19 2009

Colby Shults, III