AN ACT

relating to the licensing and regulation of plumbers and
multipurpose residential fire protection sprinkler specialists;
prohibiting municipal regulations requiring the installation of
fire protection sprinkler systems in certain residences.

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 Subdivisions (5-a) and (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

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1 (C) clears obstructions in sewer and drain lines
2 through any code-approved existing opening under the supervision of
3 a responsible master plumber.
4
5 (4) "Journeyman plumber" means a person licensed under
6 this chapter who:
7
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
12 (B) has completed at least 8,000 hours working
13 under the supervision of a master plumber;
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15 (C) installs, changes, repairs, services, or
16 renovates plumbing or supervises any of those activities under the
17 supervision of a responsible master plumber; and
18
19 (D) has passed the required examination and
20 fulfilled the other requirements of the board.
21
22 (5) "Master plumber" means a person licensed under
23 this chapter who:
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25 (A) is skilled in the planning and superintending
26 of plumbing and in the practical installation, repair, and
27 servicing of plumbing;
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29 (B) [secures permits for plumbing work;]
30
31 [4(C)] is knowledgeable about the codes,
32 ordinances, or rules governing the activities described by
33 Paragraph [Paragraphs] (A) [and (B)];
34
35 (C) [4(D)] performs or supervises plumbing work;
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37 and
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39 (D) [4(E)] has passed the required examination
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and fulfilled the other requirements of the board.

(5-a) "Multipurpose residential fire protection sprinkler specialist" means a person who holds an endorsement issued under Section 1301.3565.

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

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

(A) is employed by a state agency or political subdivision, or contracts as an independent contractor with a state agency or political subdivision, 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 fulfilled the other requirements of the board.

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

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

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

(C) constructs and installs yard water service
piping for one-family or two-family dwellings and building sewers

under the supervision of a responsible master plumber.

(9-a) "Responsible master plumber" means a person

licensed as a master plumber under this chapter who:

(A) allows the person's master plumber license to

be used by one plumbing company for the purpose of offering and

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

(B) is authorized to obtain permits for plumbing

work;

(C) assumes responsibility for plumbing work

performed under the person's license; and

(D) has submitted a certificate of insurance as

required by Section 1301.3576.

(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; and

(C) constructs and installs plumbing for

one-family or two-family dwellings under the supervision of a

responsible master plumber; and

[(D) has not met or attempted to meet the

qualifications for a journeyman plumber license].

SECTION 2. Section 1301.302, Occupations Code, is amended

to read as follows:
Sec. 1301.302. CONTRACT INFORMATION. A written proposal, invoice, or contract relating to [for] plumbing services [to be] performed by or under the direction of a plumber licensed under this chapter must contain the name and license number of the responsible master plumber and the name, mailing address, and telephone number 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 [er]

(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 1301.352, Occupations Code, is amended to read as follows:

Sec. 1301.352. EXAMINATION REQUIRED. The board shall issue a license or endorsement as a master plumber, journeyman plumber, plumbing inspector, tradesman plumber-limited license holder,
medical gas piping installation endorsement holder, [or] water
supply protection specialist, or multipurpose residential fire
protection sprinkler specialist to a person who demonstrates the
fitness, competence, and qualifications to receive the license or
endorsement by passing a uniform, reasonable examination.

SECTION 5. Subsection (e), Section 1301.356, 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 6. Subchapter G, Chapter 1301, Occupations Code, is
amended by adding Section 1301.3565 to read as follows:

Sec. 1301.3565. ENDORSEMENT: MULTIPURPOSE RESIDENTIAL
FIRE PROTECTION SPRINKLER SPECIALIST. (a) A person may not engage
in the installation of a multipurpose residential fire protection
sprinkler system that uses a single piping system to provide
potable water for fire protection sprinklers and for domestic
plumbing fixtures and appliances unless the person:

(1) is licensed under this chapter as a master plumber
or journeyman plumber; and

(2) holds an endorsement issued under this section.

(b) The board shall issue an endorsement as a multipurpose
residential fire protection sprinkler specialist to a person who:

(1) holds the license described by Subsection (a);

(2) applies to the board on a form prescribed by the
board;

(3) pays a fee set by the board;
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(4) presents evidence satisfactory to the board of
successful completion of a training program approved by the board
that provides the training necessary for the proper installation of
a multipurpose residential fire protection sprinkler system as
required by the applicable codes and standards recognized by the
state; and

(5) passes an examination required by the board.

(c) An endorsement issued under this section is valid until
the third anniversary of the date of issuance and may be renewed on
compliance with any requirements prescribed by board rule.

(d) A person who holds an endorsement under this section may
represent to the public that the person is a multipurpose
residential fire protection sprinkler specialist.

(e) Notwithstanding any other law, a person who holds an
endorsement under this section is not required to hold a license or
registration issued by another state agency in order to install a
multipurpose residential fire protection sprinkler system.

(f) A plumbing inspector who meets the requirements of the
board may inspect a multipurpose residential fire protection
sprinkler installation.

SECTION 7. 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
works as a responsible master plumber.
SECTION 8. Subsection (a), Section 1301.451, Occupations Code, is amended to read as follows:

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

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

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

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

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

(3) making a misrepresentation of services provided or to be provided; [insert]

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

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

SECTION 10. Section 1301.504, Occupations Code, is amended by adding Subsection (d) to read as follows:
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(d) Venue for an action brought under this section is in a
district court in Travis County.

SECTION 11. Subsection (a), Section 1301.5045, 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 12. Section 1301.551, Occupations Code, is amended
by adding Subsections (e) and (f) to read as follows:

(e) Notwithstanding any other provision of state law, after
January 1, 2009, a municipality may not enact an ordinance, bylaw,
order, building code, or rule requiring the installation of a
multipurpose residential fire protection sprinkler system or any
other fire sprinkler protection system in a new or existing one- or
two-family dwelling. A municipality may adopt an ordinance, bylaw,
order, or rule allowing a multipurpose residential fire protection
sprinkler specialist or other contractor to offer, for a fee, the
installation of a fire sprinkler protection system in a new one- or
two-family dwelling.

(f) A multipurpose residential fire protection sprinkler
specialist may install a multipurpose residential fire protection
sprinkler system in a new or existing one- or two-family dwelling in
a municipality described by Subsection (a) or (b).

SECTION 13. 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 14. The Texas State Board of Plumbing Examiners
shall collaborate with the state fire marshal in adopting rules
necessary to implement Section 1301.3565, Occupations Code, as
added by this Act.

SECTION 15. (a) Not later than February 1, 2010, the Texas
State Board of Plumbing Examiners shall adopt rules necessary to
implement Section 1301.3565, Occupations Code, as added by this
Act.

(b) Not later than March 1, 2010, the Texas State Board of
Plumbing Examiners shall begin administering examinations and
issuing multipurpose residential fire protection sprinkler
specialist endorsements under Section 1301.3565, Occupations Code,
as added by this Act.

SECTION 16. (a) The changes in law made by this Act to
Sections 1301.451 and 1301.452, Occupations Code, apply to a
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violation that occurs on or after the effective date of this Act. A violation that occurs before the effective date of this Act is governed by the law in effect on the date of the violation, and the former law is continued in effect for that purpose.

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

SECTION 17. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2009.

(b) Subsection (a), Section 1301.3565, Occupations Code, as added by this Act, takes effect June 1, 2010.
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David Dewhurst
President of the Senate

I hereby certify that S.B. No. 1410 passed the Senate on April 7, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 29, 2009, by the following vote: Yeas 25, Nays 6.

John Zerwas
Speaker of the House

I hereby certify that S.B. No. 1410 passed the House, with amendments, on May 20, 2009, by the following vote: Yeas 136, Nays 8, two present not voting.

Robert H.ửa
Secretary of the Senate

Approved:
19 JUN '09

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 P.M. O'Clock
JUN 19, 2009

Colby Shuster, III