

Bill Number: TX81RSB 1410

Date: 05-30-2009

ENROLLED

1 AN ACT
2 relating to the licensing and regulation of plumbers and
3 multipurpose residential fire protection sprinkler specialists;
4 prohibiting municipal regulations requiring the installation of
5 fire protection sprinkler systems in certain residences.

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

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

10 (2) "Drain cleaner" means a person who:

11 (A) has completed at least 4,000 hours working
12 under the supervision of a master plumber as a drain
13 cleaner-restricted registrant;

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

16 (C) installs cleanouts and removes and resets
17 p-traps to eliminate obstructions in building drains and sewers
18 [under the supervision of a responsible master plumber.](#)

19 (3) "Drain cleaner-restricted registrant" means a
20 person who:

21 (A) has worked as a plumber's apprentice under
22 the supervision of a master plumber;

23 (B) has fulfilled the requirements of and is

24 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 (4) "Journeyman plumber" means a person licensed under
5 this chapter who:

6 (A) has met the qualifications for registration
7 as a plumber's apprentice or for licensing as a tradesman
8 plumber-limited license holder;

9 (B) has completed at least 8,000 hours working
10 under the supervision of a master plumber;

11 (C) installs, changes, repairs, services, or
12 renovates plumbing or supervises any of those activities under the
13 supervision of a responsible master plumber; and

14 (D) has passed the required examination and
15 fulfilled the other requirements of the board.

16 (5) "Master plumber" means a person licensed under
17 this chapter who:

18 (A) is skilled in the planning and superintending
19 of plumbing and in the practical installation, repair, and
20 servicing of plumbing;

21 (B) [~~secures permits for plumbing work;~~]

22 [~~(C)~~] is knowledgeable about the codes,
23 ordinances, or rules governing the activities described by

24 Paragraph [~~Paragraphs~~] (A) [~~and (B)~~];

25 (C) [~~(E)~~] performs or supervises plumbing work;

26 and

27 (D) [~~(E)~~] has passed the required examination

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1 and fulfilled the other requirements of the board.

2 [\(5-a\) "Multipurpose residential fire protection](#)
3 [sprinkler specialist" means a person who holds an endorsement](#)
4 [issued under Section 1301.3565.](#)

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

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

13 (A) is employed by a [state agency or](#) political
14 subdivision, or contracts as an independent contractor with a [state](#)
15 [agency or](#) political subdivision, to inspect plumbing in connection
16 with health and safety laws, including ordinances, and plumbing and
17 gas codes; and

18 (B) has passed the required examination and
19 fulfilled the other requirements of the board.

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

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

25 (B) has fulfilled the requirements of and is

26 registered with the board; and

27 (C) constructs and installs yard water service

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1 piping for one-family or two-family dwellings and building sewers
2 under the supervision of a responsible master plumber.

3 (9-a) "Responsible master plumber" means a person
4 licensed as a master plumber under this chapter who:

5 (A) allows the person's master plumber license to
6 be used by one plumbing company for the purpose of offering and
7 performing plumbing work under the person's master plumber license;

8 (B) is authorized to obtain permits for plumbing
9 work;

10 (C) assumes responsibility for plumbing work
11 performed under the person's license; and

12 (D) has submitted a certificate of insurance as
13 required by Section 1301.3576.

14 (10) "Tradesman plumber-limited license holder" means
15 a person who:

16 (A) has completed at least 4,000 hours working
17 under the direct supervision of a journeyman or master plumber as a
18 plumber's apprentice;

19 (B) has passed the required examination and
20 fulfilled the other requirements of the board; and

21 (C) constructs and installs plumbing for
22 one-family or two-family dwellings under the supervision of a
23 responsible master plumber~~[-and]~~

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

25 ~~qualifications for a journeyman plumber license~~].

26 SECTION 2. Section 1301.302, Occupations Code, is amended

27 to read as follows:

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1 Sec. 1301.302. CONTRACT INFORMATION. A written proposal,
2 invoice, or contract relating to [~~for~~] plumbing services [~~to be~~]
3 performed by or under the direction of a plumber licensed under this
4 chapter must contain the name and license number of the responsible
5 master plumber and the name, mailing address, and telephone number
6 of the board.

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

10 (a) A person, other than a responsible master plumber, may
11 not engage in [~~the business of~~] plumbing unless:

12 (1) the person holds the proper [~~a~~] license,
13 registration, or endorsement required by [~~or is registered under~~]
14 this chapter; and [~~or~~]

15 (2) the person's work is supervised and controlled by a
16 person licensed under this chapter.

17 (a-1) A person may not act as a responsible master plumber
18 unless the person holds the appropriate license and meets the
19 requirements for a responsible master plumber under this chapter.

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

23 SECTION 4. Section 1301.352, Occupations Code, is amended
24 to read as follows:

25 Sec. 1301.352. EXAMINATION REQUIRED. The board shall issue
26 a license or endorsement as a master plumber, journeyman plumber,
27 plumbing inspector, tradesman plumber–limited license holder,

1 medical gas piping installation endorsement holder, [~~or~~] water
2 supply protection specialist, or multipurpose residential fire
3 protection sprinkler specialist to a person who demonstrates the
4 fitness, competence, and qualifications to receive the license or
5 endorsement by passing a uniform, reasonable examination.

6 SECTION 5. Subsection (e), Section 1301.356, Occupations
7 Code, is amended to read as follows:

8 (e) A plumbing inspector who meets the requirements of the
9 board may hold a medical gas endorsement and inspect medical gas
10 piping installations.

11 SECTION 6. Subchapter G, Chapter 1301, Occupations Code, is
12 amended by adding Section 1301.3565 to read as follows:

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

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

21 (2) holds an endorsement issued under this section.

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

24 (1) holds the license described by Subsection (a):

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

26 board;

27 (3) pays a fee set by the board;

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

7 (5) passes an examination required by the board.

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

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

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

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

21 SECTION 7. Section 1301.3576, Occupations Code, is amended
22 to read as follows:

23 Sec. 1301.3576. CERTIFICATE OF INSURANCE FOR RESPONSIBLE
24 MASTER PLUMBER. When a person is issued a master plumber's license,

25 the person must provide the board with a certificate of insurance
26 that meets the requirements of Section 1301.552 before the person
27 works as a responsible master plumber.

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1 SECTION 8. Subsection (a), Section 1301.451, Occupations

2 Code, is amended to read as follows:

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

8 SECTION 9. Subsection (a), Section 1301.452, Occupations

9 Code, is amended to read as follows:

10 (a) A person is subject to disciplinary action under Section
11 1301.451 if the person violates this chapter, an order issued by the
12 board, or a board rule. A violation of this chapter includes:

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

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

18 (3) making a misrepresentation of services provided or
19 to be provided; ~~or~~

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

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

25 [this chapter](#).

26 SECTION 10. Section 1301.504, Occupations Code, is amended

27 by adding Subsection (d) to read as follows:

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1 (d) Venue for an action brought under this section is in a
2 district court in Travis County.

3 SECTION 11. Subsection (a), Section 1301.5045, Occupations
4 Code, is amended to read as follows:

5 (a) The executive director [~~If it appears to the board that~~
6 ~~a person is violating this chapter or a rule adopted under this~~
7 ~~chapter, the board, after notice and opportunity for a hearing,]~~
8 may issue a cease and desist order as necessary to enforce this
9 chapter if the executive director determines that the action is
10 necessary to prevent a violation of this chapter and to protect
11 public health and safety [~~prohibiting the person from engaging in~~
12 ~~the activity~~].

13 SECTION 12. Section 1301.551, Occupations Code, is amended
14 by adding Subsections (e) and (f) to read as follows:

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

- 25 [\(f\) A multipurpose residential fire protection sprinkler](#)
- 26 [specialist may install a multipurpose residential fire protection](#)
- 27 [sprinkler system in a new or existing one- or two-family dwelling in](#)

1 [a municipality described by Subsection \(a\) or \(b\).](#)

2 SECTION 13. Section 1301.707, Occupations Code, is amended
3 to read as follows:

4 Sec. 1301.707. OPTIONS FOLLOWING DECISION: PAY OR APPEAL.

5 [\(a\)](#) Not later than the 30th day after the date the board's order
6 becomes final, the person shall:

7 (1) pay the penalty; or

8 (2) file a petition for judicial review contesting the
9 occurrence of the violation, the amount of the penalty, or both.

10 [\(b\) Failure by the person to pay the penalty is grounds for](#)
11 [the board to refuse to renew the person's license or registration](#)
12 [and to refuse to issue a new license or registration to the person.](#)

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

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

21 (b) Not later than March 1, 2010, the Texas State Board of
22 Plumbing Examiners shall begin administering examinations and
23 issuing multipurpose residential fire protection sprinkler
24 specialist endorsements under Section 1301.3565, Occupations Code,

25 as added by this Act.

26 SECTION 16. (a) The changes in law made by this Act to

27 Sections 1301.451 and 1301.452, Occupations Code, apply to a

1 violation that occurs on or after the effective date of this Act. A
2 violation that occurs before the effective date of this Act is
3 governed by the law in effect on the date of the violation, and the
4 former law is continued in effect for that purpose.

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

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

13 (b) Subsection (a), Section 1301.3565, Occupations Code, as
14 added by this Act, takes effect June 1, 2010.

President of the Senate

Speaker of the House

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.

Secretary of the Senate

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.

Chief Clerk of the House

Approved:

Date

Governor