

BILL ANALYSIS

Senate Research Center
81R18781 JAM-D

C.S.S.B. 1354
By: Jackson, Mike
Business & Commerce
3/25/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 1354 is an omnibus bill that amends several subchapters of Chapter 1301 (Plumbers), Occupations Code, which governs the regulation of plumbers. The Texas Plumbing, Air Conditioning, and Mechanical Contractors Association has requested these changes based on concerns that have been identified by the membership as opportunities to improve their practice act.

C.S.S.B. 1354 amends the definition of "journeyman plumber" and amends the definition of "master plumber" to require more experience prior to qualifying for the opportunity to take the examination for a master plumbers license. The bill also amends the definition of "plumbing" to clarify what constitutes the practice of plumbing and adds "state agency" to the list of entities that may employ a plumbing inspector.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to Texas State Board of Plumbing Examiners in SECTION 5 (Section 1301.405, Occupations Code), of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 1301.002(4), (5), (7), (8), and (10), Occupations Code, to redefine "journeyman plumber," "master plumber," "plumbing," "plumbing inspector," and "tradesman plumber-limited license holder."

SECTION 2. Amends Section 1301.052, Occupations Code, as follows:

Sec. 1301.052. New heading: WORK INSIDE COUNTIES OR INSIDE OR OUTSIDE MUNICIPALITIES. Provides that a person is not required to be licensed under this chapter to perform plumbing, other than plumbing in conjunction with new construction, repair, or remodeling, on a property that is located inside a municipality that is within a county that has fewer than 50,000 inhabitants and that has fewer than 5,000 inhabitants and by municipal ordinance or order of the county commissioners court has authorized a person who is not licensed under this chapter to perform plumbing. Deletes existing text regarding an ordinance of the municipality requiring a person to be licensed.

SECTION 3. Amends Section 1301.053(a), Occupations Code, to provide that a person is not required to be licensed under this chapter to perform 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.

SECTION 4. Amend Section 1301.203(a), Occupations Code, as follows:

(a) Requires a field representative to hold a license as a plumber under this chapter. Makes nonsubstantive changes.

SECTION 5. Amends Subchapter H, Chapter 1301, Occupations Code, by adding Section 1301.405, Occupations Code, as follows:

Sec. 1301.405. MANDATORY TRAINING FOR DRAIN CLEANER, DRAIN CLEANER-RESTRICTED REGISTRANT, AND RESIDENTIAL UTILITIES INSTALLER. (a) Requires a person who holds a certificate of registration under this chapter as a drain cleaner, drain cleaner-restricted registrant, or residential utilities installer, to renew the certificate of registration, to annually complete at least six hours of approved training that includes training in health and safety requirements, Texas State Board of Plumbing Examiners (TSBPE)-approved plumbing codes, and water conservation.

(b) Authorizes a person to receive credit for participating in a training program only if the program is provided by a person approved by TSBPE and according to criteria adopted by TSBPE.

(c) Authorizes TSBPE by rule to exempt certain person from the requirements of this section if TSBPE determines that the exemption is in the public interest.

SECTION 6. Amends Section 1301.551, Occupations Code, by adding Subsections (e)-(h), as follows:

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

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

(g) Provides that 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.

(h) Requires a plumbing contractor to 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 7. Amends Sections 1301.552 and 1301.553, Occupations Code, as follows:

Sec. 1301.552. CERTIFICATE OF INSURANCE FOR PLUMBING PERMIT IN POLITICAL SUBDIVISION. Requires a political subdivision that requires a plumbing contractor to obtain a permit before performing plumbing in the political subdivision to verify through TSBPE's Internet website that the plumbing contractor has on file with TSBPE a certificate of insurance. Deletes existing text requiring a political subdivision that requires a master plumber to have a bond before issuing a permit to the master plumber to accept either a bond or a certificate of insurance.

Sec. 1301.553. New heading: PLUMBING INSPECTIONS IN MUNICIPALITY THAT OVERLAPS ANOTHER POLITICAL SUBDIVISION. Authorizes only the affected municipality, if the boundaries of a municipality and another political subdivision overlap, rather than a municipal utility district overlap, to perform a plumbing inspection and collect a permit fee. Deletes existing text prohibiting the standard used in the plumbing inspection from being less restrictive than the standard used by the municipal utility district.

SECTION 8. (a) Requires TSBPE, not later than January 1, 2010, to adopt rules and approve the programs necessary to implement the changes in law made by this Act to Chapter 1301 (Plumbers), Occupations Code.

(b) Makes application of this Act prospective to January 1, 2010.

SECTION 9. Effective date: September 1, 2009.