

CHAPTER 535

H.B. No. 740

AN ACT

relating to the regulation of plumbing activities, including the installation of certain medical gas piping; providing a criminal penalty.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. The Plumbing License Law (Article 6243–101, Vernon's Texas Civil Statutes) is amended by adding Section 8C to read as follows:

*Sec. 8C. MEDICAL GAS PIPING INSTALLATION ENDORSEMENT. (a) A medical gas piping installation endorsement entitles a holder of a master plumber license or*

*journeyman plumber license to install pipe used solely to transport gases used for medical purposes.*

*(b) To be eligible for an endorsement under this section, the license holder must perform satisfactorily on a separate examination related to the endorsement.*

*(c) An endorsement under this section is valid for three years and may be renewed 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 2. Section 13, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 13. FEES. (a) The Board shall establish fees that are reasonable and necessary to defray the cost of administering ~~[fees for the administration of]~~ this Act. ~~[in amounts not to exceed:]~~

[Master Plumber	
[Examination	\$ 75
[License	75
[Renewal	75
[Journeyman Plumber	
[Examination	50
[License	50
[Renewal	50
[Plumbing Inspector	
[Examination	25
[License	50
[Renewal	50]

*(b) The Board may ~~shall~~ not maintain unnecessary fund balances, and fee amounts shall be set in accordance with this requirement.*

SECTION 3. Section 14, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended by amending Subsections (b), (c), and (d) and adding Subsection (e) to read as follows:

*(b) A person may not install pipe used solely to transport gases for medical purposes unless the person is licensed as a master plumber or journeyman plumber under this Act and holds an endorsement issued under Section 8C of this Act. This endorsement will coincide with the rules and regulations adopted by the Texas Department of Health.*

*(c) An offense under this section is a Class C misdemeanor ~~[as defined by the Penal Code].~~*

*(d) ~~(e)~~ In addition to any other action, proceeding, or remedy authorized by law, the Board may institute an action in its own name against any person to enjoin any violation of this Act or any rule of the Board. In order for the Board to sustain the action, it is not necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation of this Act or a Board rule. Any party to the action may appeal the cause. The Board may not be required to give any appeal bond in any cause arising under this Act. The attorney general shall represent the Board in all actions and proceedings to enforce this Act.*

*(e) ~~(d)~~ A field representative or, within the jurisdiction of that municipality, a municipal plumbing inspector or water district plumbing inspector, may issue a citation to a person who engages in conduct described by Subsection (e) of Section 9 of this Act.*

SECTION 4. A person who engages in the installation of medical gas piping is not required to obtain an endorsement under this Act until February 1, 1994.

SECTION 5. This Act takes effect September 1, 1993, except that Section 3 of this Act takes effect February 1, 1994.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 6, 1993: Yeas 83, Nays 55, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 740 on May 22, 1993, by a non-record vote; passed by the Senate, with amendments, on May 13, 1993, by a viva-voce vote.

Approved June 8, 1993.

Effective Sept. 1, 1993, except Section 3 effective Feb. 1, 1994.