

CHAPTER 272

S.B. No. 813

AN ACT

relating to the regulation of certain plumbing activities and inspections; providing a penalty.

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

SECTION 1. Section 2, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. DEFINITIONS. *In this Act:*

(1) *"Plumbing"* [~~(a) The word or term "plumbing" as used in this Act~~] means [~~and shall include~~]:

(A) [~~(1)~~] All piping, fixtures, appurtenances and appliances for supply or recirculation of water, gas, liquids, and drainage or elimination of sewage, including disposal systems or any combination thereof, for all personal or domestic purposes in and about buildings where a person or persons live, work or assemble; all piping, fixtures, appurtenances and appliances outside a building connecting the building with the source of water, gas, or other liquid supply, or combinations thereof, on the premises, or the main in the street, alley or at the curb; all piping, fixtures, appurtenances, appliances, drain or waste pipes carrying waste water or sewage from or within a building to the sewer service lateral at the curb or in the street or alley or other disposal or septic terminal holding private or domestic sewage; *or*

(B) [~~(2)~~] the installation, repair, service, and maintenance of all piping, fixtures, appurtenances and appliances in and about buildings where a person or persons live, work or assemble, for a supply of gas, water, liquids, or any combination thereof, or disposal of waste water or sewage.

(2) [~~(b)~~-A] *"Master Plumber"* means [~~within the meaning of this Act is~~] a person skilled in the planning, superintending, and the practical installation, repair, and service of plumbing and is familiar with the codes, ordinances, or rules and regulations governing those matters, who alone, or through a person or persons under his supervision, performs plumbing work, and who has successfully fulfilled the examinations and requirements of the Board.

(3) [~~(c)~~-A] *"Journeyman Plumber"* means [~~within the meaning of this Act is~~] any person other than a master plumber who supervises, engages in, or works at the actual installation, alteration, repair, service, and renovating of plumbing, and who has successfully fulfilled the examinations and requirements of the Board.

(4) [~~(d)~~-A] *"Plumber's Apprentice"* means [~~within the meaning of this Act is~~] any person other than a master plumber or journeyman plumber who, as his principal occupation, is engaged in learning and assisting in the installation of plumbing.

(5) [~~(e)~~-A] *"Plumbing Inspector"* means [~~within the meaning of this Act is~~] any person employed by a political subdivision for the purpose of inspecting plumbing work and installations in connection with health and safety laws and ordinances, who has no financial or advisory interests in any plumbing company, and who has successfully fulfilled the examinations and requirements of the Board.

(6) [~~(f) The word or term~~] *"Board"* [~~as used in this Act~~] means the Texas State Board of Plumbing Examiners.

(7) [~~(g)~~] *"Water treatment"* is a business which is conducted under contract and requires ability, experience, and skill in the analysis of water to determine how to treat influent and effluent water to alter or purify the water or to add or remove a mineral, chemical, or bacterial content or substance. The term includes the installation and service of fixed or portable water treatment equipment or a treatment apparatus, in public or private water

treatment systems. The term also includes the making of connections necessary to the installation of a water treatment system.

(8) [(h)] "System" [as used in this Act] means interconnection between one or more public or private end users of water, gas, sewer, or disposal systems that could be a threat to public health if improperly connected.

(9) "Water supply protection specialist" means a person who holds a license endorsement issued by the Board to engage in the inspection, in connection with health and safety laws and ordinances, of the plumbing work or installation of a public water system distribution facility or of customer-owned plumbing connected to that system's water distribution lines.

SECTION 2. The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes) is amended by adding Sections 11A, 11B, and 11C to read as follows:

Sec. 11A. **WATER SUPPLY PROTECTION SPECIALIST.** (a) The Board shall issue an endorsement as a water supply protection specialist to a person licensed under this Act as a master or journeyman plumber if the license holder:

- (1) applies to the Board on a form prescribed by the Board;
 - (2) pays the fee set by the Board;
 - (3) presents evidence satisfactory to the Board of successful completion of a Board-approved certification program for water supply protection specialists; and
 - (4) passes any examination required by the Board.
- (b) An endorsement issued under this section is valid for three years from the date of issuance and may be renewed on compliance with any requirements prescribed by Board rule.
- (c) A license holder who holds an endorsement under this section may hold himself out as a water supply protection specialist.

Sec. 11B. **EXEMPTION OF PUBLIC EMPLOYEES.** Nothing in this Act shall require a person employed by a political subdivision who, in the person's capacity as a public employee, acts as a backflow prevention device specialist or water supply protection specialist to have a license endorsement under Section 11A of this Act.

Sec. 11C. **EXEMPTION OF PUBLIC UTILITY EMPLOYEES.** Nothing in this Act shall require a person employed by a public utility as defined by Section 3(c), Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes) who, in the course of the person's employment, acts as a backflow prevention device specialist or water supply protection specialist to have a license endorsement under Section 11A of this Act.

SECTION 3. 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 reasonable and necessary fees for the administration of this Act in amounts not to exceed:

(1) Master Plumber:	
Examination	\$ 75
License	75
Renewal	75
(2) Journeyman Plumber:	
Examination	50
License	50
Renewal	50
(3) Plumbing Inspector:	
Examination	25
License	50
Renewal	50
(4) Water Supply Protection Specialist:	
Examination	100
License Endorsement	100
Renewal	50

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

SECTION 4. Section 14, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14. ~~PROHIBITED ACTS [PROHIBITION AGAINST PRACTICING WITHOUT LICENSE]~~; CITATIONS. (a) No person, whether as a master plumber, journeyman plumber, or otherwise, shall engage in, work at, or conduct the business of plumbing in this state or serve as a plumbing inspector as herein defined, except as herein specifically exempted from the provisions of this Act, unless such person is the holder of a valid license as provided for by this Act. It shall be unlawful for any person, firm, or corporation to engage in or work at the business of installing plumbing and doing plumbing work except as specifically herein provided unless such installation of plumbing or plumbing work be under the supervision and control of a plumber licensed under this Act. *A license holder may not act as a water supply protection specialist unless the license holder has the appropriate license endorsement under Section 11A or 11B of this Act.*

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

(c) 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.

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

SECTION 5. This Act takes effect September 1, 1993.

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 the Senate on April 21, 1993: Yeas 30, Nays 0; the Senate concurred in House amendments on May 11, 1993, by a viva-voce vote; passed the House, with amendments, on May 8, 1993, by a non-record vote.

Approved May 24, 1993.

Effective Sept. 1, 1993.