

CHAPTER 670

S.B. No. 620

AN ACT

relating to the regulation of plumbers; providing penalties.

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

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

*Sec. 8B. FIELD REPRESENTATIVES. (a) For the purposes of this Act, "field representative" means an employee of the Board who is:*

- (1) knowledgeable of this Act and of municipal ordinances relating to plumbing;*
- (2) qualified by experience and training in good plumbing practice; and*
- (3) designated by the Board to assist in the enforcement of this Act and rules adopted under this Act.*

*(b) A field representative may:*

- (1) make on-site license checks to determine compliance with this Act;*
- (2) investigate consumer complaints filed under Section 8A of this Act;*

(3) assist municipal plumbing inspectors in cooperative enforcement of this Act; and

(4) issue citations as provided by Section 14 of this Act.

SECTION 2. Section 9, The Plumbing License Law, as amended (Article 6243-101, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

(e) A person commits an offense if the person knowingly violates this Act or a rule adopted under this Act, engages in activities for which a license is required without a license issued under this Act, or employs an unlicensed person to engage in activities for which a license is required by this Act. An offense under this subsection is a Class B misdemeanor.

SECTION 3. Section 12, The Plumbing License Law, as amended (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 12. LICENSES; RENEWALS. (a) Licenses issued by the Board shall be valid throughout the state, but shall not be assignable or transferable. The Board shall forward to the local Board of Health, if there be one, of each town, or to the other authority having control of the enforcement of regulations relative to plumbing in each town, the names and addresses of all persons in such town to whom such licenses have been granted. Licenses shall be issued for one year and may be renewed annually on or before February 1st or as provided by Section 12A of this Act upon payment of the required fee.

(b) A person may renew an unexpired license by paying the required renewal fee to the Board before the expiration date of the license.

(c) If a person's license has been expired for 90 days or less, the person may renew the license by paying to the Board the required renewal fee and a fee that is one-half of the examination fee for the license.

(d) If a person's license has been expired for longer than 90 days but less than two years, the person may renew the license by paying to the Board all unpaid renewal fees and a fee that is equal to the examination fee for the license.

(e) If a person's license has been expired for two years or longer, the person may not renew the license. The person may obtain a new license by submitting to reexamination and complying with the requirements and procedures for obtaining an original license.

(f) At least 30 days before the expiration of a person's license, the Board shall send written notice of the impending license expiration to the person at the licensee's last known address according to the records of the Board. ~~[In case of failure to renew a license on or before February 1st in any year, the person named therein may, upon payment of the said fee and a late renewal fee increased by such additional fees as would have been payable had such license been continuously renewed, receive a late renewal thereof, which shall expire on the ensuing 1st day of February; provided, however, that a license that has been expired for five years or more may not be renewed except by reexamination and compliance with the requirements and procedures for obtaining an original license.]~~

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

Sec. 14. 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.

An offense under this section [Act] is a Class B [G] misdemeanor as defined by the [Texas] Penal Code.

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.

*(b) 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. (a) The change in law made by this Act applies only to the punishment for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. (a) This Act takes effect September 1, 1987.

(b) Section 12, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), as amended by this Act, applies only to the renewal requirements for a license that is renewed on or after September 1, 1987. Renewal requirements for a license that is renewed before that date are governed by the law in effect on the date that the license is renewed, and the former law is continued in effect for this purpose.

SECTION 7. 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 13, 1987, by a viva-voce vote. Passed the House on May 22, 1987, by a non-record vote.

Approved June 19, 1987.

Effective Sept. 1, 1987.