

SUBJECT: Regulating plumbing practices

COMMITTEE: Licensing and Administrative — committee substitute recommended

VOTE: 9 ayes — Wilson, Kubiak, Goolsby, Haggerty, Hamric, D. Jones, Pickett, Torres, Yarbrough

0 nays

SENATE VOTE: On final passage, April 18 — voice vote

WITNESSES: For — Juan Rayas; Robert Christianson; Steve Conaway, Texas Association of Business; Jim Warren, Association of Plumbing-Heating-Cooling Contractors of Texas

Against — Stuart Hersh, City of Austin

On — Gilbert Kissling, Stanley J. Briers, State Board of Plumbing Examiners

BACKGROUND : The Plumbing License Law, VACS art. 6243-101, requires master plumbers, journeyman plumbers, and plumbing inspectors to be licensed by the Board of Plumbing Examiners. Current law allows unlicensed plumbers to work outside the municipal limits of any organized city or within any city having less than 5,000 residents unless required by ordinance.

In addition to licensing, the board also issues endorsements, or addenda to licenses, that certify a qualified individual's expertise, in the areas of medical gas piping installation and water supply protection.

DIGEST: CSSB 805 would amend the Plumbing License Law, art. 6243-101 VTCS, to exempt from plumbing license requirements plumbing work done on a single family residential property not connected to a public water system and located outside the municipal limits of any organized city, town or village, and water well drilling done by a licensed well driller. Permissive licensing by cities of less than 5,000 would be eliminated.

A municipal utility district (MUD) having boundaries that overlap the

boundaries of a municipality would be the controlling jurisdiction and the only entity that could perform required plumbing inspections in areas located in both the MUD and the municipality. A municipality could perform its own inspections under certain conditions. Only the entity that performed the plumbing inspection could collect an inspection permit fee.

The bill also would add to the regulation of plumbing all piping, fixtures, appurtenances and appliances for the supply and recirculation of medical gases and vacuum. It would require continuing education programs for persons holding endorsements, authorize board registration of plumbers' apprentices, require the Board of Plumbing Examiners to adopt procedures and requirements for placing a licensee on retired status, and specifically authorize the board to take punitive or corrective actions against a plumber's board endorsement in addition to a plumber's license.

The bill would take effect September 1, 1997, and rules governing continuing education programs would have to be adopted by February 1, 1998. Persons performing plumbing services who must obtain a license or a certificate of insurance because of changes to the act would have until February 1, 1998.

**SUPPORTERS
SAY:**

CSSB 805 would expand the number of consumers protected by plumbing regulations by requiring cities having fewer than 5,000 residents to comply with state plumbing licensing laws. Rural, small-town residents and their water supplies should not be placed at greater risk of substandard or dangerous plumbing than residents in middle-sized cities and urban areas. The bill would, however, allow people in remote, unincorporated areas who are not connected to a public system and who are establishing their own water supply to use an unlicensed plumber or individual to do the work.

This bill also would abolish duplicative permitting and inspection fee requirements in areas that are governed by standards established by MUDs and by municipalities, and make several technical changes to clarify the law and reflect changes in plumbing practices. MUDs are the appropriate jurisdictional body over plumbing inspections within its boundaries because many MUDs do not access city water supplies and this bill would defend local control from big-city encroachment.

OPPONENTS
SAY:

Municipalities, not MUDs, should have the controlling jurisdiction over plumbing inspections, due to the dangers of contaminating a city's water supply from the negligence or more lenient standards of an overlapping MUD. Although this bill would allow municipalities to inspect an area if the municipality had stricter plumbing standards than the MUD, the MUD or plumbing work within the MUD would not have to respond to municipal inspection concerns because this bill would grant the MUD final controlling authority. These provisions also could nullify or contradict many existing contract agreements between MUDs and municipalities regarding plumbing standards and inspections.

NOTES:

The committee substitute would exempt from license requirements residential plumbing work on property not connected to a public water system in any city; the Senate-passed version would exempt such work only in cities having fewer than 1,000 inhabitants that did not require a plumbing license for such work. The Senate version also would have required plumbing inspectors in political subdivisions to enforce plumbing licensing laws in addition to enforcement by the board.