

SUBJECT: Requiring the Board of Plumbing Examiners to adopt new codes

COMMITTEE: Licensing and Administrative Procedures — committee substitute recommended

VOTE: 9 ayes — Wilson, Yarbrough, Flores, Goolsby, Haggerty, D. Jones, Moreno, A. Reyna, Wise
0 nays

WITNESSES: For — Robert Boyles, Building Officials Association of Texas (BOAT); Jack Burleson, Southern Building Code Congress International; Randy Childers, City of Waco and BOAT; Michael L. Clack, City of San Antonio; Charlie Hall, Westway Sales Inc.; Cassie Hughes, City of Abilene and BOAT; Carroll Lee Pruitt, International Conference of Building Officials; David Sartar, City of Abilene; *Registered but did not testify:* Nancy Fisher, Texas Association of Builders; Nancy McNabb, BOCA International; David Mintz, Texas Apartment Association; Larry Niemann, Texas Building Owners and Managers Association, Texas Mini Storage Association, and Texas Institute of Building Designers

Against — Robert Scruggs; Larry Werner, YPS Mechanical

On — Nancy Jones, Associated Plumbing, Heating, and Cooling Contractors Association

BACKGROUND: Under the Plumbing License Law (V.A.C.S., art. 6243-101), the Texas State Board of Plumbing Examiners must adopt three plumbing codes: the Uniform Plumbing Code, Southern Standard Plumbing Code, and National Standard Plumbing Code.

The board also has the authority to issue licenses for plumbers and plumbing inspectors. Certain plumbing work is allowed without a license, such as plumbing work done by a property owner in an owned building and work performed outside the limits of a city with a population of 5,000 or more.

DIGEST: CSHB 217 would require the Board of Plumbing Examiners to adopt the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials and any code published by the International Code Council, as those codes existed on May 31, 2001.

Plumbing installed in an area not subject to municipal regulation would have to be installed in accordance with these codes. A municipality or owner of a public water system could amend provisions of the codes and standards to conform to local concerns. Plumbing installed in compliance with a code would have to be inspected by a plumbing inspector or a person paid directly by a political subdivision to perform the duties of a plumbing inspector.

Plumbing installed in a jurisdiction that had adopted the Southern Standard Plumbing Code or the National Standard Plumbing Code could continue to be installed until the jurisdiction adopted a code authorized under CSHB 217.

CSHB 217 would allow plumbing work done to a single-family residential property that was not connected to a public water system and was not within the limits of any city to be performed without a license.

The bill would take effect September 1, 2001, and would apply to the design, inspection, installation, or maintenance of a plumbing system performed on or after that date.

SUPPORTERS SAY: HB 2144 would require all plumbers in Texas to follow national standards but would allow cities to choose which national code to adopt. In 1994, three regional model code organizations joined with municipal officials to form the International Code Council (ICC) to replace the separate codes maintained by each organization with a unified set of construction codes. The ICC published the International Plumbing Code, a single set of model codes that is being adopted by governmental jurisdictions nationwide.

This bill would require the Board of Plumbing Examiners to adopt the new consolidated code, which allows contractors to use new materials not allowed by older codes. The International Plumbing Code is written by city or county code officials, who are concerned only with the public's health and safety and have no vested interest in using particular brands of materials.

When the Legislature enacted the Plumbing License Law in 1993, the statute required the board to adopt the three plumbing codes, but did not authorize the board to adopt updated versions of the codes. The board has had to use 1991 versions of plumbing codes because the board has not had the authority to adopt updated versions of the code. CSHB 217 would give the board this authority.

OPPONENTS
SAY:

CSHB 217 would require the plumbing board to adopt the International Plumbing Code, which is substandard compared to other plumbing codes. This code is developed only by building inspectors, who do not have direct experience with available materials. Other codes are developed with input from plumbers and consumers and include only materials approved by professional testing companies, plumbers, and consumers. The International Plumbing Code does not use this procedure in determining requirements for materials.

NOTES:

The companion bill, SB 511 by Sibley, has been referred to the Senate Business and Commerce Committee. A similar bill in the 76th Legislature, HB 2144 by A. Reyna, passed the House but died in the Senate State Affairs Committee.

The committee substitute differs from the original by narrowing the type of plumbing work that could be done without a license. It also would allow the board to adopt updated editions of the codes and would require inspection of plumbing installed in compliance with the Uniform Plumbing Code or International Plumbing Code. The substitute would allow the continued installation of plumbing in compliance with the Southern Standard Plumbing Code or National Standard Plumbing Code until the encompassing jurisdiction adopted the new codes.