

BILL ANALYSIS

Senate Research Center

H.B. 2062
By: Davis, John (Taylor)
Business & Commerce
5/9/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2062 amends several sections of the Occupations Code relating to the regulation of plumbers in response to recent issues that have been identified by the Texas State Board of Plumbing Examiners (TSBPE). The bill updates several sections of the code in regards to rainwater harvesting in response to legislation that passed last session and is currently under rule making. Further, the bill adds the requirement that plumbing customers be provided a receipt, clarifies the ability of TSBPE to investigate owners of plumbing companies in response to complaints, and requires a plumber to have a license readily available if requested to produce it.

H.B. 2062 amends current law relating to the regulation of plumbing.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 1301.002(11) and (12), Occupations Code, to redefine "water supply protection specialist" and "water treatment," respectively.

SECTION 2. Amends Section 1301.053(a), Occupations Code, to provide that a person is not required to be licensed under this chapter (Plumbers) to perform certain duties, including water treatment installations, exchanges, services, or repairs, other than the treatment of rainwater to supply a plumbing fixture or appliance.

SECTION 3. Amends Section 1301.302, Occupations Code, as follows:

Sec. 1301.302. New heading: **CONTRACT INFORMATION; REQUIRED DOCUMENTS**. Requires the person who performed plumbing services performed by or under the direction of a plumber licensed under this chapter to give the customer an invoice or completed contract document on completion of the job, regardless of whether the person charged a fee for performing the services.

SECTION 4. Amends Section 1301.303(a), Occupations Code, to authorize the Texas State Board of Plumbing Examiners (TSBPE) to investigate an alleged violation of this chapter by a person who is licensed under this chapter, is the owner of a plumbing company subject to this chapter, or performs plumbing without holding a license under this chapter, and to make nonsubstantive changes

SECTION 5. Amends Section 1301.351, Occupations Code, by adding Subsection (d), to require a person who holds a license or registration issued under this chapter to carry the license or registration on his or her person while engaged in plumbing.

SECTION 6. Amends Section 1301.354(d), Occupations Code, as follows:

(d) Authorize a plumber's apprentice to apply for and take an examination for a license as a journeyman plumber if the apprentice has received an associate of applied science degree from a plumbing technology program:

(1) that includes a combination of classroom and on-the-job training;

(2) in which all laboratory training in plumbing is taught by a licensed plumber; and

(3) that is approved by the Texas Higher Education Coordinating Board (THECB).

Deletes existing text authorizing a plumber's apprentice, notwithstanding the classroom training required by Subsection (b) (relating to authorizing a person who has worked as a plumber's apprentice for a period established by law or TSBPE rule to apply to take an examination for a license as a journeyman plumber or tradesman plumber-limited license holder), to apply for and take an examination for a license as a journeyman plumber or tradesman plumber-limited license holder if the apprentice has received an associate of applied science degree from a plumbing technology program that includes a combination of classroom and on-the-job training and is approved by TSBPE and THECB.

SECTION 7. Amends Sections 1301.551(c) and (g), Occupations Code, as follows:

(c) Requires a municipality that adopts an ordinance or bylaw under this section (Municipal Plumbing Ordinances and Permits) to provide by ordinance or bylaw that a person is required to obtain a permit before the person performs plumbing, other than the repairing of leaks, the replacement of lavatory or kitchen faucets, the replacement of ballcocks or water control valves, the replacement of garbage disposals, or the replacement of water closets.

(g) Provides that a responsible master plumber, plumbing contractor, or other person who is required to obtain a permit under this section is not required to pay a plumbing registration fee or administrative fee in a municipality or any other political subdivision.

SECTION 8. Repealer: Section 1301.354(b-1) (relating to authorizing TSBPE, at the applicant's request, to credit an applicant under Subsection (b) with a number of hours determined by TSBPE rule against the number of hours of work experience required to take an examination if the application has received an associate of applied science degree from a certain plumbing technology program), Occupations Code.

SECTION 9. Provides that Section 1301.354, Occupations Code, as amended by this Act, applies only to an application for a journeyman plumber license under Section 1301.354, Occupations Code, submitted on or after January 1, 2014. Provides that an application for a journeyman plumber license submitted before that date is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION 10. Makes application of this Act prospective.

SECTION 11. Effective date: September 1, 2013.