

Proposed Changes to The Plumbing License Law by SB 871

Go to, <https://texasplumbertraining.com/wp-content/uploads/2021/03/TSBPE-Compare-03.13.2021.docx-1.htm> to see a side by side comparison of HB 636, SB 1196 & SB 871.

SB 871

1. Keeps TSBPE
2. Sunset date 2027 same as HB 636
3. Eliminates the drain cleaner, drain cleaner restricted registrant and the residential utility installer endorsements
4. Changes the responsible master plumber to plumbing contractor
5. Eliminates the 24 hour RMO training
6. Changes the definition of apprentice to include drain cleaning and residential utility installation.
7. Eliminates, under the direct supervision of a licensed plumber from the apprentice requirement.
8. Plumbing contractor if not a master plumber must employ a master plumber.
9. Plumbing contractor assumes responsibility for plumbing work performed for compensation paid to the person.
10. Number of members of the public serving as board members is reduced from two to one. Adds a member who is a licensed plumber to the board.
11. Plumbing examiner Same as HB 636 except "be qualified by experience and training in plumbing practice" is being eliminated.
12. Field representatives, changes board shall employ to may, eliminates the requirement to hold a license as a plumber, eliminates the requirement to be qualified by experience and training in plumbing practice, eliminates issue citations, adds requiring a person who is inspecting or investigating the quality of plumbing work to be licensed
13. Requires the board to establish a code of conduct
14. Examinations. Adds, board shall recognize, prepare, administer or arrange for administration of exams. Board to determine minimum requirements and passing score for exam, Examiner for practical part of exam must be licensed.
15. SUPERVISION RULES: new section being added

Sec. 1301.264. SUPERVISION RULES; RESPONSIBILITY FOR PLUMBING WORK.

Sec. 1301.264. SUPERVISION RULES; RESPONSIBILITY FOR PLUMBING WORK. (a) The board by rule shall:

(1) require that, for each task involved in plumbing, a master plumber:

(A) perform the task; or

(B) provide general or direct supervision of a less experienced plumber who performs the task;

(2) require that each plumber's apprentice and tradesman plumber-limited license holder perform plumbing under the direct or general supervision of a more experienced plumber;

(3) specify the plumbing tasks that a plumber's apprentice or tradesman plumber-limited license holder must perform under direct supervision and the plumbing tasks a plumber's apprentice or tradesman plumber-limited license holder must perform under general supervision;

(4) specify the amount of classroom training meeting the requirements of Subsection (b), practical plumbing experience, or a combination of that training and experience necessary to:

(A) exempt a plumber from the direct supervision requirements under this section; and

(B) permit the plumber to perform the plumbing under general supervision;

(5) require a plumber, other than a master plumber, to document the plumber's:

(A) classroom training that meets the requirements of Subsection (b); and

(B) practical plumbing experience; and

(6) require the plumbing contractor, and supervising plumber, if any, to assume responsibility for plumbing performed, including the quality of the plumbing and the supervision of less experienced plumbers.

(b) Notwithstanding the minimum requirements for a continuing education program or instructor established under this chapter, the board by rule shall establish minimum requirements for classroom training, other than a continuing education program under this chapter, that, if successfully completed and documented by a plumber, the board shall credit toward:

(1) the necessary classroom training required to:

(A) exempt the plumber from the direct supervision requirements under this section; and

(B) permit the plumber to perform specified plumbing tasks under general supervision;

(2) the continuing education required under this chapter to renew a license, endorsement, or certificate of registration, as applicable to the plumber; and

(3) the eligibility requirements for a license under this chapter, as applicable to the plumber.

16. Contract info changes RMP to plumbing contractor

17. Adds

Sections 1301.351(a), (a-1), and (c), Occupations Code, are amended to read as follows:

(a) A person~~[, other than a responsible master plumber,]~~ may not perform or offer to perform ~~[engage in]~~ plumbing for compensation unless:

(1) the person holds:

(A) a plumbing contractor license; and

(B) the proper license, endorsement, or certificate of registration~~[, or endorsement]~~ required by this chapter to perform or supervise the performance of plumbing; ~~[and]~~

(2) the person:

(A) is employed by a plumbing contractor;

(B) performs or supervises the plumbing in the scope of that employment; and

(C) holds the proper license, endorsement, or certificate of registration required by this chapter; or

(3) the person offers to perform plumbing and contracts with a plumbing contractor for the performance of the plumbing ~~[the person's work is supervised and controlled by a person licensed under this chapter].~~

(a-1) A person may not act as a plumbing contractor ~~[responsible master plumber]~~ unless the person holds the appropriate license and meets the applicable requirements ~~[for a responsible master plumber]~~ under this chapter.

(c) A plumbing contractor ~~[license holder]~~ who is supervising and controlling ~~[under Subsection (a)(2)]~~ the work of a person engaged in the business of plumbing in the construction of a new one-family or two-family dwelling in an unincorporated area of the state must have training and management responsibility for, and shall review and inspect, the person's work. The plumbing contractor ~~[license holder]~~ is not required to provide continuous or uninterrupted on-the-job oversight of the person's work.

18. Criminal history same as HB 636

19. ADDS:

SECTION 13. Subchapter G, Chapter 1301, Occupations Code, is amended by adding Section 1301.3542 to read as follows:

Sec. 1301.3542. CAREER AND TECHNOLOGY EDUCATION PROGRAM FOR TRADESMAN PLUMBER-LIMITED LICENSE; INSTRUCTORS. (a) The board may credit an applicant who submits an application under Section 1301.354(b) with a number of hours determined by board rule against the number of hours of work experience required to take an examination under that section, if the applicant successfully completes a coherent sequence of courses in the plumbing trade that are offered through a career and technology education program in accordance with Subchapter F, Chapter 29, Education Code.

(b) A student of any age enrolled in a high school is eligible to take the sequence of courses described by Subsection (a) without registering as a plumber's apprentice or paying any registration fee. A person who is no longer enrolled in a high school shall comply with the requirements of this chapter related to the person's eligibility to apply for and take an examination for a license issued under this chapter, including any registration or fee requirements.

(c) The board shall develop the courses described by Subsection (a). The courses must be approved by the State Board of Education.

(d) The courses must include an appropriate number of hours of classroom instruction and a practical component. The board may credit on-the-job training toward meeting the requirements under the practical component.

(e) A person may not provide instruction in a career and technology education program described by this section unless the

person is licensed under this chapter as a master plumber, journeyman plumber, or plumbing inspector.

(f) A person described by Subsection (e) may provide the instruction in a full-time or part-time capacity as an employee, contractor, or volunteer of a high school.

(g) The board may adopt rules necessary to implement this section, including procedures to verify a student's successful completion of the sequence of courses described by Subsection (a).

- 20. Removes all registrations from the apprentice.
- 21. Certificate of insurance changes RPM to plumbing contractor
- 22. Removes RMP training
- 23. Adds Reciprocity

Sec. 1301.3581. RECIPROCITY. (a) The board may issue a license, endorsement, or certificate of registration under this chapter for an applicant who holds a similar license, endorsement, or certificate issued by another jurisdiction.

(b) An applicant under this section must:

(1) apply in the same manner and form as any other applicant under this chapter; and

(2) provide the board with documents and other evidence that substantiate the applicant's qualifications.

(c) An applicant for a license, endorsement, or certificate of registration issued under this section may not be required to undergo an examination to obtain the license, endorsement, or certificate if the applicant has held an equivalent license, endorsement, or certificate in another jurisdiction for at least two years. The board may determine whether a license, endorsement, or certificate issued by another jurisdiction is

equivalent to a license, endorsement, or certificate issued under this chapter.

Sec. 1301.360. TEMPORARY LICENSE. (a) The board by rule may provide for the issuance of a temporary license, endorsement, or certificate of registration to an applicant who:

(1) submits an application on a form prescribed by the board;

(2) meets preliminary qualifications established by board rule; and

(3) pays any required fees.

(b) A temporary license holder is subject to this chapter and rules adopted under this chapter.

24. Makes changes in renewal allows two year license

25. Continuing Education

SECTION 18. Sections 1301.404(a), (c), and (d), Occupations Code, are amended to read as follows:

(a) The board by rule shall establish:

(1) minimum curriculum standards for [~~recognize, approve, and administer~~] continuing education programs and courses for persons who hold a license [licenses] or endorsement issued [~~endorsements~~] under this chapter; and

(2) minimum qualifications for an instructor of the continuing education programs and courses described by Subdivision (1).

(c) The board shall approve:

(1) a program or course that meets the minimum curriculum standards established by the board under Subsection (a); and

(2) an instructor who meets the minimum qualifications established by the board under Subsection (a) [by rule shall adopt the criteria for the continuing professional education].

(d) A person may receive credit for participating in a continuing professional education program or course only if the program or course is approved by the [~~provided:~~

~~-(1) by an individual, business, or association approved by the board; and~~

~~-(2) according to criteria adopted by the] board.~~

26. Eliminates some apprentice required training, DC, DCRR, RUI. Adds, the board may by rule establish continuing education requirements for persons who hold a certificate of registrations a plumbers apprentice

27. Disciplinary action, basically same as HB 636 except HB 636 includes performing plumbing in violation of a plumbing code as a violation. And adds and eliminates,

(7) offering to perform or performing plumbing for compensation without:

(A) holding a plumbing contractor license;

(B) being employed by a plumbing contractor and acting in the scope of that employment; or

(C) contracting with a plumbing contractor to perform the offered plumbing;

(8) performing plumbing in violation of a plumbing code adopted under Section 1301.255; or

(9) failing to supervise plumbing as required by this chapter or board rule.

~~[(b) Retesting procedures may be used to determine whether grounds exist for suspension or revocation of a license, endorsement, or registration due to incompetence or a wilful violation by a person licensed under this chapter.]~~

28. Removes field representatives from being allowed to issue citations.