

Plumbers Continuing Professional Education Manual

Texas

2021 - 2022

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Plumbers Continuing Professional Education Manual

Texas

2021 - 2022

For Licenses that expire 9/1/2021 – 8/31/2022

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Richard Pulaski, Ph.D, Editor

Institute of Continuing Education

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Richard Pulaski, Ph.D
Institute of Continuing Education
Educational Consultant
Editor
Plumbing Continuing Professional Education Manual

Dr. Pulaski has enjoyed a life time of involvement in the plumbing industry in various roles. His father was a plumber for over 45 years and provided much of Richard's training before and during his apprenticeship. He began his plumbing apprenticeship after graduating from high school. His apprenticeship was interrupted by four years in the U.S. Navy, from which he returned to complete his apprenticeship and work as a journeyman until he enrolled in Texas A&M College. After graduating from A&M with a B.S. in Industrial Education he taught high school in Midland, Texas for two years and was then employed by the Texas Engineering Extension Service and the Texas State Plumbing and Pipefitting Joint Apprenticeship Committee as the Pipe Trades Instructional Materials Writer. During the nine years of coordinating the pipe trades apprenticeship programs he completed the requirements for, and was awarded a masters degree in industrial education. He was offered and accepted a position with the Advisory Council for Technical Vocational Education in Texas for two years at which time he was awarded a graduate fellowship to pursue a doctoral degree in vocational education. While fulfilling the three year graduate fellowship he completed his dissertation titled "Predictability of Success in Selected Texas Piping Trades Apprenticeship Programs", which earned his doctorate. In addition to the doctoral degree he completed the requirements for a second masters degree.

In 1974 he was made director of the Technical Vocational Division at Angelina College in Lufkin, Texas, the position he fulfilled until he retired in 1993. During that time he was active with local and state industry in identifying and developing many and various workforce training programs.

In 1978 he became involved in the Sheet Metal Workers National Training Fund teacher training program as a teacher trainer at Ohio State University for the following 18 Summers. During this time he developed and taught many basic and advanced vocational teacher training courses.

Dr. Pulaski has enjoyed service in many civic organizations.

Since retirement he has returned to what he considers his roots in that he has been fortunate in being afforded the opportunity to teach plumbing continuing professional education classes and contribute to the instructional manuals, both as an author and editor.

He is fond of saying that he is a:

Texan by birth,

Plumber by trade,

Sailor by service,

Aggie by education,

Teacher by profession,

And last but not least a Husband, Father, Grandfather and Great-grandfather
by the grace of God.

APPROVAL STATEMENT

THIS CONTINUING PROFESSIONAL EDUCATION COURSE MATERIAL HAS BEEN APPROVED BY THE TEXAS STATE BOARD OF PLUMBING EXAMINERS FOR USE IN THE 2021 - 2022 CONTINUING PROFESSIONAL EDUCATION YEAR. BY ITS APPROVAL OF THIS COURSE MATERIAL, THE TEXAS STATE BOARD OF PLUMBING EXAMINERS DOES NOT ASSUME ANY RESPONSIBILITY FOR THE ACCURACY OF THE CONTENTS OF THE COURSE MATERIAL. FURTHER, THE TEXAS STATE BOARD OF PLUMBING EXAMINERS IS NOT MAKING ANY DETERMINATION THAT THE PARTY PUBLISHING THE COURSE MATERIALS HAS COMPLIED WITH ANY APPLICABLE COPYRIGHT AND OTHER LAWS IN PUBLISHING THE COURSE MATERIAL AND THE TEXAS STATE BOARD OF PLUMBING EXAMINERS DOES NOT ASSUME ANY LIABILITY OR RESPONSIBILITY THEREFORE. THE COURSE MATERIAL IS NOT BEING PUBLISHED BY NOR IS IT A PUBLICATION OF THE TEXAS STATE BOARD OF PLUMBING EXAMINERS.

Preface

The 2021 - 2022 Plumbers Continuing Education Manual is the result of efforts and input of four individual authors. The authors, their chapter topics and organization they represent are as follows:

Section One is provided by the Board staff and contains information about the role, scope, and activities of the Texas state Board of Plumbing Examiners, the Texas state Plumbing License Law and the Rules of the Texas state Board of Plumbing Examiners.

Chapter One, “*Distracted Driving*” is written by Sidney Morris. Sidney is Training Coordinator for the Houston Area Plumber Joint Apprenticeship and Training Committee. Distracted driving is defined as any non-driving activity that a driver engages in while behind the wheel. Since the invention of the car and other motorized vehicles, there have been several cases regarding this phenomenon. Drivers, most times, are aware of the diverse number of causes, consequences, and risks that this single act can bring. There are typically three distinct types of distracted driving, according to the most relevant distracted driving statistics: manual, visual, and cognitive. Distracted driving has some horrifying statistics to its name. Because of that, it is important for drivers to understand its dangers so that they can make safer choices.

Chapter Two, “*Rain Water Harvesting*” is written by Bobby Doran, Bobby is CPE Provider and Instructor with Plumbers Continuing Education in Texas. Rainwater harvesting is an ancient technique enjoying a revival in popularity due to the inherent quality of rainwater and interest in reducing consumption of treated water. It is valued for its purity and softness, has a nearly neutral ph, and is free from disinfection byproducts, salts, minerals, and other natural and man-made contaminants..

Chapter Three, “*Trenching and Excavation*” is written by Brian Peabody, Brian is Training Coordinator for the Austin Area Plumbing and Pipefitting Joint Apprenticeship Training Committee. The Occupational safety and health administration (OSHA) defines an excavation as any man-made cut, cavity, trench, or depression in the earth’s surface formed by earth removal. A trench is defined as a narrow underground excavation that is deeper than it is wide, and is no wider than fifteen feet when measured at the bottom. They are both an integral part of the construction industry, and are among the most hazardous of construction operations..

Chapter Four, “*Scaffolding and Ladders*” is written by Bobby Doran, Bobby is CPE Provider and Instructor with Plumbers Continuing Education in Texas. Safety standards for scaffolds and ladders Use in the Construction Industry rule aims to protect workers using scaffolding and ladders in construction work. Scaffolding ladder hazards continue to rank high on the list of the most frequently cited standards in the construction industry. Scaffold and ladder-related fatalities account for a significant number of fatalities in the construction workplace.

.....Acknowledgements.....

The publication of this manual is not due to the sole effort of any one individual or organization. Rather there have been many people and organizations involved throughout the process.

This manual would not exist except for the cooperative approval and encouragement from the individual members of the Texas State Board of Plumbing Examiners.

Frank S. Denton
James Ainsworth
Ben Friedman
Milton Gutierrez
Robert F. Jalnos

William Klock
Thomas MacDonald
Mark Savasta
David Yelovich

Contributions, constructive criticism and guidance have been gratefully received from members of the staff at the Texas State Board of Plumbing Examiners; Lisa Hill, Executive Director.

A tremendous amount of assistance has been received from other state agencies, code groups, businesses, associations and individuals from the plumbing industry. Without assistance and cooperation from these people, the necessary information could not be gathered.

Each chapter is from a different source. The work of the authors and others is indispensable to the creation of this manual. The time, dedication and patience with the overall process is highly valued. To each author and source we owe a great debt of gratitude.

A great deal of effort has been expended to make the text in this manual flow in a smooth and cohesive manner. Additional effort has been spent to provide consistent formatting throughout the manual that is conducive to delivering information.

There have been many contributors to this manual. To each of you, I extend my sincere appreciation.

Richard E. Pulaski, Ph.D, Editor
Plumbers Continuing Professional Education Manual

Statement of Use

This manual has been prepared for use by the licensed plumbers and inspectors of the State of Texas as the basic text to fulfill the requirements for the 2021 - 2022 Plumbers Continuing Professional Education class. As such, this manual has been prepared for use at several different levels.

The manual can be used as an awareness level resource. It is not intended that every topic in the manual be presented by the Plumbers Continuing Professional Education instructor in full detail. In fact, this is not possible due to time restraints. The qualified instructor can select the topics most suitable for a specific group and then use the amount of detail that he or she deems appropriate.

The instructor may also choose to present all of the required topics, but select perhaps two topics to cover in greater detail. This of course can be structured to fit the needs of the particular people attending a class.

The manual is also designed as a desktop resource. To aid in this application, Chronological and Alphabetical indexes have been included in the back of this book. As questions arise related to the plumbing industry, this manual may be a place to start searching for an answer. Emphasis is placed on not only the rules or codes involved, but also on why the rule or code is necessary from a physical science or engineering perspective.

Every effort has been made to assure this manual is consistent with existing law, rule, regulation, code and/or engineering principal. However, this manual is not to be considered or relied upon as a substitute for the actual law, rule, regulation, code and/or engineering principle. The opinions expressed are those of the authors, not that of any regulatory body.

Prior to making any decision or taking any action, the user must consult the current, full context of the actual law, rule, regulation, code and/or engineering principle from the original source.

Members of the Texas State Board of Plumbing Examiners As of June 1, 2021



Frank S. Denton, Chairman of the Board of Conroe is the owner and president of the Denton Investment Corporation. He is a former commission chairman of the Texas Department of License and Regulation and a former member of the Texas Medical Board and Texas Association of Business. Denton received a Bachelor of Business Administration from Sam Houston State University. His term expires 09-05-25.



James "Ron" Ainsworth, of Midland. Mr Ainsworth is the Master Plumber member on the Board. He is vice president of Atlas Plumbing Company, Inc. He holds a journeyman plumber license from the State of Texas. He is a past president of the Plumbing-Heating-Cooling Contractors Association of North Texas. Friedman received a Bachelor of Arts in Business Communication from the University of Arizona. His term expires 09-05-23.



Ben Friedman, of Dallas Mr Friedman is the Journeyman Plumber member on the Board. He is vice president of Atlas Plumbing Company, Inc. He holds a journeyman plumber license from the State of Texas. He is a past president of the Plumbing-Heating-Cooling Contractors Association of North Texas. Friedman received a Bachelor of Arts in Business Communication from the University of Arizona. His term expires 09-05-21.

Members of the Texas State Board of Plumbing Examiners As of June 1, 2021



Milton R. Gutierrez, of Fort Worth is one of two Public Member Positions on the Board. He is a battalion chaplain for the Texas Army National Guard. He is a member of the National Guard Association of Texas and the Rotary Club of Fort Worth. Gutierrez received a Bachelor of Arts in political science from Texas State University and a Master of Divinity from the Southwestern Baptist Theological Seminary. His term expires 09-05-21.



Robert F. Jalnos of San Antonio is the Plumbing Contractor member on the Board. He is president and chief executive officer of Steve's Plumbing and Heating Company. He holds a master plumber license with a master medical gas and master multipurpose fire sprinkler endorsement from the State of Texas. He is past chairman the City of San Antonio Plumbing Appeals & Advisory Board and the immediate past president of the board of trustees for the Congregation Agudas Achim Synagogue. He is a member of the Texas Plumbing, Heating and Cooling Contractors and the National Kitchen and Bath Association. His term expires 09-05-21.



William "Bill" Klock of Austin is a mechanical engineer and serves as the vice president and chief technical officer for EEA Consulting Engineers. He is a former director and regional chair for the American Society of Heating Refrigerating and Air-Conditioning Engineers. Klock received a Bachelor of Science in Mechanical Engineering from the University of Illinois at Urbana-Champaign. His term expires 09-05-23.

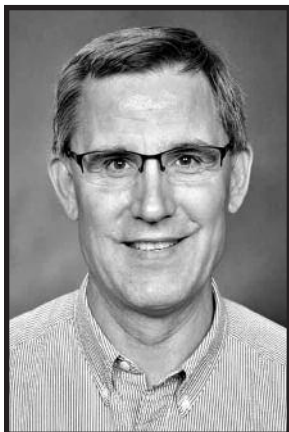
Members of the Texas State Board of Plumbing Examiners As of June 1, 2021



Thomas "Justin" MacDonald of Kerrville is the president and CEO of MacDonald Companies, Inc. He is a member of the National Association of Home Builders, Texas Association of Builders and Texas Business Leaders Council. MacDonald received a Bachelor of Arts in Journalism from Angelo State University, a Master of Business Administration from The University of Texas at San Antonio and a Certificate in Managerial Leadership from The University of Texas at Austin. His term expires 09-05-25.



Mark Savasta of Houston is the city building official for the City of Houston. He is a member of the International Code Council. Savasta received a Bachelor of Science in Construction Engineering Technology from the University of Southern Mississippi and a Master of Business Administration from American Intercontinental University. His term expires 09-05-23.



David "Dave" Yelovich of Friendswood is the Residential Builder member on the Board. Dave attended Texas Tech to study architecture and graduated from Texas A&M with a bachelor's degree in Construction Science. He has been in construction almost forty years, with the last twenty-nine as a home builder in Texas. He is currently based in Houston, Texas as the Compliance Officer for Tilson Homes. Dave is a member of the National Association of Homebuilders (NAHB), Greater Houston Builders Association (GHBA), Texas Association of Home Builders (TAB), Air Conditioning and Refrigeration Contractors Advisory Board, and Texas Real Estate Teachers Association (TREC). His term expires 09-05-25.

Contents

Preface	VII
Acknowledgements	VIII
Statement of Use	IX
Members of the Texas State Board of Plumbing Examiners As of June 1, 2021	X

SECTION I - Texas State Plumbing Board General Information

Board and Staff Activities, Plumbing License Law and Texas State Board of Plumbing Examiners Rules	1
Staff Organizational Chart	2
Board and Staff Activities	4
Plumbing License Law and TSBPE Rules	21
<i>Plumbing License Law</i>	<i>21</i>
<i>Occupations Code Title 8. Regulation of Environmental and Industrial Trades Chapter 1301. Plumbers Subchapter A General Provisions</i>	
<i>Board Rules</i>	<i>61</i>

SECTION II - Professional Continuing Education for Plumbers

Chapter 1 - Scaffolding and Ladders	1
<i>Introduction</i>	<i>2</i>
<i>Definitions</i>	<i>2</i>
<i>Scaffold Platform Construction</i>	<i>3</i>
<i>Criteria for Supported Scaffold</i>	<i>7</i>
<i>Access and Egress</i>	<i>10</i>
<i>Each Employee Fall Protection</i>	<i>14</i>
<i>Falling Object Protection</i>	<i>17</i>
<i>Additional Requirements Applicable to Specific Types of Scaffolds ..</i>	<i>18</i>
<i>Aerial Lifts</i>	<i>24</i>
<i>General Requirements</i>	<i>24</i>
<i>Specific Requirements</i>	<i>25</i>
<i>OSHA Ladder Safety</i>	<i>27</i>
<i>OSHA Regulations for Ladders</i>	<i>27</i>
<i>Choose the Right Ladder</i>	<i>27</i>
<i>Ladder Types and Uses</i>	<i>28</i>
<i>Ladder Height Regulations</i>	<i>29</i>
<i>In Summary</i>	<i>34</i>

Chapter 2 - Distracted Driving 35

<i>Introduction</i>	35
<i>The Most Startling Distracted Driving Statistics for 2020</i>	35
<i>Is using the Maps feature on my cell phone considered distracted driving?</i>	37
<i>What age group is most likely to drive while distracted?</i>	37
<i>What qualifies as a “distraction” in distracted driving?</i>	37
<i>Can I text at a stop light?</i>	37
<i>What percentage of accidents are caused by distracted drivers?</i>	37
<i>Is texting and driving more dangerous than drinking and driving?</i> ..	38
<i>How many people die from distracted driving?</i>	38
<i>How many injuries are there a year from texting and driving?</i>	38
<i>Distracted Driving Statistics</i>	38
<i>Drunk Driving vs. Texting and Driving</i>	39
<i>Distracted Driving Fatalities</i>	40
<i>How Do Distracted Driving Tickets Affect Your Insurance Premium</i>	41
<i>How can you prevent distracted driving at work?</i>	44
<i>Sources</i>	47

Chapter 3 - Rain Water Harvesting 49

<i>Introduction</i>	50
<i>Rainwater Harvesting System Components</i>	53
<i>Considerations for the Rainwater Harvesting System Owner</i>	70
<i>Factors Affecting Water Quality pH (acidity/alkalinity)</i>	70
<i>Rainfall Distribution</i>	74
<i>Estimating Demand</i>	77
<i>Principles of Water-Wise Landscaping</i>	79
<i>Conclusions</i>	79

Chapter 4 - Trenching and Excavation 81

<i>What is Excavation and Trenching?</i>	82
<i>What are the dangers of trenching and excavation operations?</i>	82
<i>Specific Excavation Requirements</i>	84
<i>Competent Person</i>	87
<i>Acceptable Visual and Manual Soil Tests</i>	88
<i>Protection of Employees in Excavations</i>	92
<i>Conclusion</i>	96

SECTION III - Test Questions, Appendix & General Information

Chapter 5 – Test Questions 99

Section 1 – Board and Staff Activities, Law and Rules 100

Chapter 1 – Scaffolding and Ladders 101

Chapter 2 – Distracted Driving 102

Chapter 3 – Rain Water Harvesting 103

Chapter 4 – Trenching and Excavation 104

Appendix 105

General Information 105

How to Contact the Texas State Board of Plumbing Examiners 106

For Information Concerning Continuing Professional

Education Course Providers 106

How to Obtain Board Forms 107

Index to previous Continuing Professional Education Manuals

By Book 108

By Topic 112

Institute of Continuing Education Memorandum 117

Continuing Professional Education Evaluation Form 125

Board Notice to Students: Inside Front Cover

Final Results from Last Sunset Report

Senate Bill 621. The bill that contained the Sunset Commission’s statutory recommendations for the Texas State Board of Plumbing Examiners, including continuing the regulation of plumbing, did not pass during the 86th Legislative Session. While the Senate and House both passed different versions of the bill, the Legislature was unable to reconcile the differences between the versions during the final days of the Legislative sessions, and according to the Plumbing License Law, the Texas State Board of Plumbing Examiners was scheduled to be abolished and the law to expire September 1, 2019. However, on June 13, 2019,

Governor Abbott issued Executive Order No. GA-06 to suspend the abolishment of the Texas State board of Plumbing Examiners and Chapter 1301, Texas Occupations Code, until May 31, 2021.

SECTION I

Texas State Plumbing Board General Information

**Board and Staff Activities
Plumbing License Law and
Texas State Board of Plumbing
Examiners Rules**

1

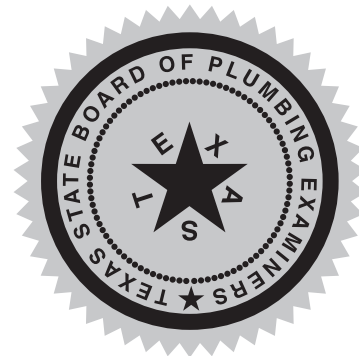
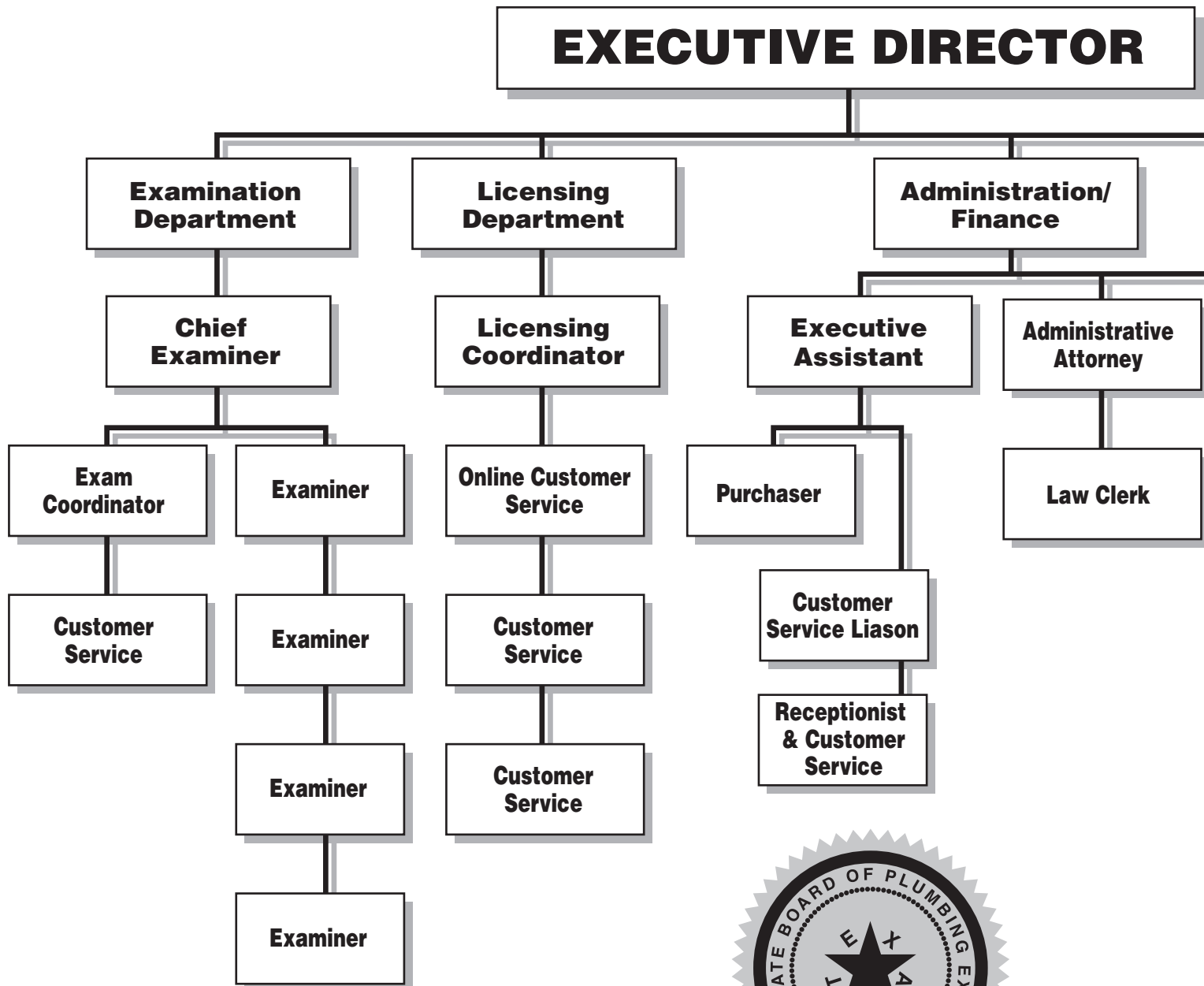
**A Look at the Texas State Board of Plumbing
Examiners and It's Activities**

**Plumbing License Law
June 2020**

**Board Rules
as of June 20, 2019**

TEXAS STATE BOARD OF

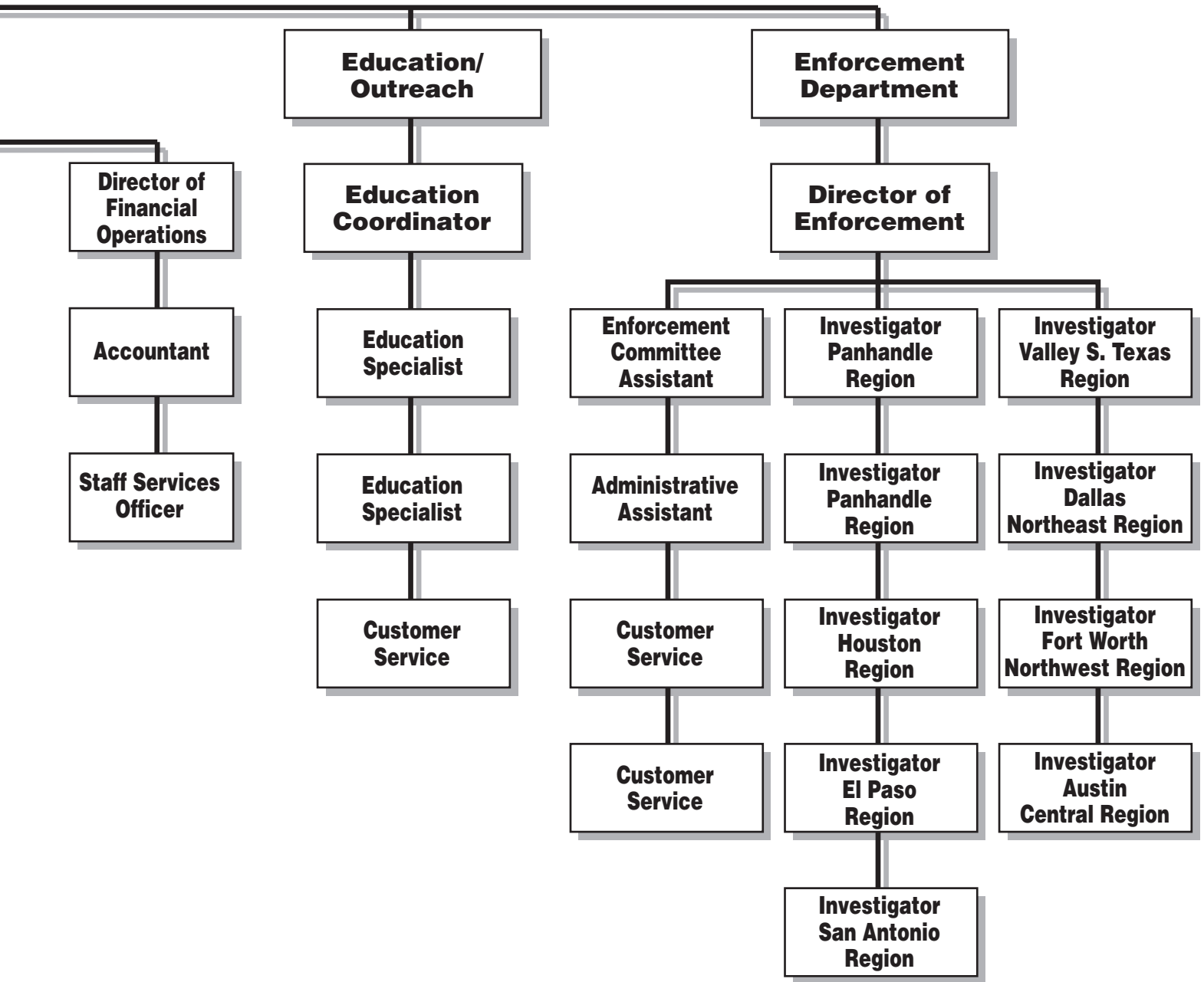
Organizational Chart



Protecting the health and safety of Texans since 1947

PLUMBING EXAMINERS

Fiscal Year 2021



A look at the Texas State Board of Plumbing Examiners and Their Activities

The Board

The Texas State Board of Plumbing Examiners is a nine member board appointed by the governor and confirmed by the senate. Board members serve six year terms or until their successors are qualified, appointed and have been confirmed.

Board members are appointed based on qualifications set out by statute as follows:

One member shall have had at least ten years practical experience and be licensed as a master plumber.

One member shall be a plumbing contractor with five years experience.

One member shall have at least five years practical experience and be licensed as a journeyman plumber.

One member shall have had at least five years practical experience and be licensed as a plumbing inspector.

One member shall be a licensed professional engineer.

Two members shall be building contractors with five years contracting experience (one of whom shall be principally engaged in home building and one of whom shall be principally engaged in commercial building).

Two members must be representatives of the general public.

Board Mission

The mission of the Texas State Board of Plumbing Examiners is to help protect the health and safety of the citizens of the State of Texas by ensuring that our drinking water, air, and medical gases are not contaminated and that we may live and work in the safe conditions that properly installed plumbing systems are designed to provide. Through enforcement of the Plumbing License Law, including examination, licensing and registration of the plumbing industry, the Board ensures that qualified individuals following clear standards protect the citizens' health and safety.

The Board Philosophy

The Texas State Board of Plumbing Examiners will fulfill the expectations of the citizens by acting in an ethical manner that is accountable, responsible, efficient and open. The Board recognizes that protection of the health and safety of the citizens is foremost in its decision making process. The Board performs its responsibilities while applying the four most important work ethics - honesty, integrity, diligence and respectful courtesy. Adherence to these standards will continually bring the Board closer to its goal of achieving excellence in both organization and customer service.

Public Perception

The public looks to the Texas State Board of Plumbing Examiners to ensure, to the best of its ability, the quality of plumbing work that it receives. The public also expects the Board to respond to complaints regarding the plumbing industry in a timely and responsible manner. The overall wide spread support from the industry and public is a key indicator of the satisfaction of the Board's customers regarding their ability to be heard.

Statutory Basis

The Board's enabling statute is the Plumbing License Law, found in Title 8, Chapter 1301, of the Occupations Code. The Texas State Board of Plumbing Examiners is subject to Chapter 325, of the Government Code and the Texas Sunset Act. Unless continued in existence as provided by that Chapter, the Board will cease to exist effective September 1, 2019.

Regions of the State Served

The Texas State Board of Plumbing Examiners serves all regions of Texas. The Board has eleven field representatives placed in the nine geographic areas of the state. The central office in Austin administers the written and practical examinations, licensing, and renewal of all apprentice registration, journeymen plumbers, master plumbers, plumbing inspectors and tradesmen.

Legislative/Historical Perspective

The regulation of plumbing installation and maintenance has a long history in Texas. **The 25th Texas Legislature (1897)** passed an act that required cities to provide for a board to examine and supervise plumbers. The powers and duties of this board are set forth in the following excerpts from the law:

Section 1. Be it enacted by the Legislature of the State of Texas: That every city in this State having underground sewers or cesspools, shall pass ordinances regulating the tapping of said sewers and cesspools; regulating house drainage and plumbing, creating a board for the examination of plumbers, to be known as the examining and supervising board of plumbers; to provide for an inspection of plumbing. Said board shall consist of the following five persons: a member of the local board of health, the city engineer, the chief plumbing inspector, a master plumber of not less than ten years active in continuous business experience, and a journeyman plumber of not less than five years active continuous practical experience. The mayor and the local board of health shall make said appointment.

Section 2. The examining and supervising board of plumbers herein created shall examine and pass upon all persons now engaged (or wish to engage in the future) in the business of plumbing... in their respective cities... They shall issue a license to such persons only as shall successfully pass a required examination.

Section 4. In selecting the first or chief inspector of plumbing herein provided for, the mayor shall act with the other four members of said board above specified. After said inspector of plumbing shall have been chosen, he shall become the fifth member of the examining and supervising board of plumbers in place of the mayor.

Section 6. Any person, whether as master plumber, employing, or journeyman plumber, engaged in, working at, or conducting the business of plumbing without license as provided in this act, shall be guilty of a misdemeanor, and on conviction thereof, shall pay a fine of not less than twenty nor more than two hundred and fifty dollars.

This State Plumbing Law of 1897 required cities to license plumbers. As a result, a plumber could not work in a particular city unless licensed by the city inspector. If a city did not have an inspector, then there were no plumbers licensed to practice in that city. Thus, plumbing frequently was practiced by individuals who had not undergone examination or licensing to certify they had the skills to perform as plumbers. Furthermore, there were no reciprocity agreements between cities, i.e., a plumber licensed to practice in one city could not practice in another city unless licensed by that city's plumbing inspector. With the growth of Texas' cities, this became a problem because of the bedroom communities incorporated as cities. In the late 1940s, several groups (trade associations, plumbing inspectors, journeymen associations, general contractors, homebuilders) organized to get legislation passed that would assure reciprocity between cities. That legislation was the Plumbing License Law of 1947.

The State Plumbing Law of 1897 was succeeded by the Plumbing License Law of 1947 (50th Legislature, Regular Session). With the passage of that law, the Texas State Board of Plumbing Examiners was created and came into existence on August 4, 1947. The Plumbing License Law has undergone several amendments in the ensuing years as the following summary indicates:

In 1897,

- The 25th Legislature (SB 154) passed the first state plumbing license law requiring cities to adopt their own plumbing installation regulations and establish local examining boards for the purpose of examining and licensing Master Plumbers, Journeyman Plumbers and Plumbing Inspectors.
- A license was valid only within the city that issued it and reciprocity between cities was rare.
- Examination requirements varied widely from city to city.
- Plumbers complained that it was difficult to pass an examination that was not administered in the plumber's hometown.
- Plumbing installation regulations varied widely from city to city.

In 1947,

- The 50th Legislature (SB 188) passed the Plumbing License Law of 1947, which created the Texas State Board of Plumbing Examiners to provide for uniform statewide examining and licensing of Master Plumbers, Journeyman Plumbers and Plumbing Inspectors.
- Finally provided for uniform statewide license requirements and a state license that allowed plumbers to move freely from city to city in order to practice their occupation.
- The Board consisted of six Governor appointed and Senate confirmed members, specifically a Master Plumber, a Journeyman Plumber, an architect, a sanitary engineer, a commercial builder and a homebuilder.

- The Board was self-supporting with no funds paid to or collected from the state General Fund.
- Cities of 5,000 or more inhabitants were required to adopt their own plumbing installation regulations and perform plumbing inspections using licensed Plumbing Inspectors.
- Plumbers were required to be licensed only if performing plumbing work within a city of 5,000 or more inhabitants.
- The Board had the authority to revoke a license and the penalty for working without a required license was as stated in the Penal Code of Texas.

In 1973,

- The 63rd Legislature (SB 831) gave The Board the authority to stagger the renewal of licenses.

In 1975,

- The 64th Legislature (HB 1886) provided an offense under the Plumbing License Law to be a Class C Misdemeanor.

In 1977,

- The 65th Legislature (SB 147) allowed individuals licensed to engage in residential water treatment installations to be specifically exempted from holding a plumbing license under the Plumbing License Law. Licensed Plumbers could continue to perform such installations without holding any additional licenses.
- The 65th Legislature (SB 54) provided that the Board be subject to the provisions of the Texas Sunset Act.

In 1979,

- the 66th Legislature (SB 259) provided that individuals licensed to engage in the installation of lawn irrigations systems were specifically exempted from holding a plumbing license under the Plumbing License Law. Licensed Plumbers could continue to perform such installations without holding any additional licenses.

In 1981,

- The 67th Legislature (SB 851) added two Public Members, a Plumbing Contractor Member and a Plumbing Inspector Member to the Board's composition. The Architect Member Position was eliminated from the Board's composition.
- The Board became subject to the Appropriations Act.

In 1985,

- with the automation of license renewals, the Board implemented staggering of license expirations.

In 1987,

- The 70th Legislature (SB 620) classified a violation of the Plumbing License Law and Board Rules as a Class B misdemeanor and authorized the Board's Field Representatives to issue citations for violations of the Plumbing License Law.

However, because a violation was a Class B misdemeanor, the Field Representatives could not file the citation in local Justice of the Peace courts.

- The 70th Legislature (HB 78) provided that licensed Plumbing Inspectors may enforce the Act, in addition to enforcement by the Board.

In 1989,

- the 71st Legislature reclassified a violation of the Plumbing License Law and Board Rules as a Class C misdemeanor to allow a Field Representative to file citations in local Justice of the Peace courts.

In 1993,

- The 73rd Legislature (HB 740) provided the Board authority to provide examinations for and issue license endorsements for medical gas installation.
- The 73rd Legislature (SB 813) provided the Board authority to provide examinations for and issue license endorsements for water supply protection specialists.
- The 73rd Legislature (SB 137) provided that persons holding a license issued by the Board were required to complete at least six hours of Continuing Professional Education each year. The Board was given the responsibility to adopt criteria and approve individuals, businesses or associations to provide the courses.
- The 73rd Legislature (SB 815) required the Board to adopt the Southern Standard Plumbing Code, the Uniform Plumbing Code, and the National Standard Plumbing Code, as the plumbing codes to be used for the state. Municipalities or owners of a public water system may adopt standards that do not substantially vary from the three named codes.

In 1999,

- The 76th Legislature (SB 1421) provided that the following plumbing work is permitted to be performed without a plumbing license:

Residential potable water supply or residential sanitary sewer connection, for a project in a geographic area that is located in a county any part of which is within 50 miles of an international border that is done by an organization certified by the Texas Natural Resource Conservation Commission to provide “self-help” project assistance.

- Formal Attorney General Opinion #JC-0012 clarified that municipalities may adopt any plumbing code other than the three plumbing codes named in Section 5B of the Plumbing License Law, provided that such codes do not substantially vary from the three named codes. The opinion further clarified that the Board may not adopt any plumbing code other than the three named codes as they existed in 1993, when Section 5B was passed into law.

In 2000,

- The 200th Judicial District Court of Travis County ruled that the Board could not enter into an interagency contract with Texas Engineering Extension Service (TEEX) for development of Continuing Professional Education Course Materials.

In 2001,

- The 77th Legislature (HB 2813) Non substantive revision and codification of the Plumbing License Law and relocation from Vernon's Texas Civil Statutes, Article 6243-101 to the Occupations Code, Title 8, Regulation of Environmental and Industrial Trades, effective in 2003.
- The 77th Legislature (HB 1505):
 - Provides for a new license category for Tradesman Plumber-Limited Licensee
 - Provides for registrations of Residential Utilities Installer, Drain Cleaner and Drain Cleaner-Restricted.
 - Provides for mandatory registration for a Plumber's Apprentice for all individuals whose primary occupation is learning and assisting in the installation of plumbing.
 - Master Plumbers responsible for the operation of a plumbing business are required to submit a certificate of insurance to the Board.
 - Authority to a municipality for permitting an inspection of plumbing work when a municipality and a municipal utility district's jurisdiction overlap.
 - The Licensed Sanitary Engineer position on the Board was changed to a Licensed Professional Engineer. Clarification that the Master Plumber position, Journeyman Plumber position, and Plumbing Inspector position on the Board, must be licensees of the Board was also included.
- The 77th Legislature (HB 217)
 - The Board's jurisdiction was greatly expanded by requiring that all plumbing work connected to a public water system, or performed in any city in the state be performed by a licensed plumber. This eliminated the exemption, which had been in place since 1947, requiring a plumbing license in only cities with populations of 5,000 or more inhabitants.
 - The Southern Standard Plumbing Code and the National Standard Plumbing Code were eliminated from the codes adopted by the Board. The Uniform Plumbing Code was maintained and the International Plumbing Code was added, resulting in two Plumbing Codes to be adopted by the Board.
 - All plumbing installed in a political subdivision, in compliance with an adopted state approved code, must be inspected by a licensed Plumbing Inspector .
 - Licensed Plumbing Inspectors are no longer restricted to being bona fide employees of a political subdivision, but are allowed to contract with a political subdivision as long as they are paid directly by the political subdivision.

The 77th Legislature (SB 365), amends Chapter 214 of the Local Government Code and adopts the International Residential Code, which contains requirements for plumbing, and is required to be used in some instances by cities for one and two family dwellings.

The 77th Legislature (HB 1) allows for an additional FTE (Field Representative/Investigator) to be added during FY 2003.

The changes of the 77th Legislature required the Board to:

- Develop and administer the one new examination required for the new license category and implement a registration process for the mandatory Plumber's Apprentice registration and the other three new registrations.
- Modify its computer programs to automate the examination and renewal process for the new categories, and make necessary changes to other administrative functions. The Board was required to adopt rules necessary for the implementation of HB 1505, no later than January 1, 2002.
- Implement all of the new legislation, which resulted in an extensive revision of the Board's rules. HB 1505 required the Board to adopt rules no later than January 1, 2002.
- The addition of the International Plumbing Code, as a code to be adopted by the Board, will require the Board to review and make changes, as necessary, to its examinations to ensure that the answers to examination questions may be found in both the Uniform Plumbing Code and the International Plumbing Code. The Board was authorized to raise fees to cover the cost of implementation of HB 1505 and HB 217.

In 2003,

- The 78th Legislature (SB 282)
- Continued the Board for twelve years, until 2015, as a result of the review of the agency by the Sunset Advisory Commission.
- Authorized the Governor to appoint the presiding officer of the Board and the Board to elect a secretary from its membership.
- Specified that the Enforcement Committee would be composed of staff members only.
- Specified that all other Board Committees would be composed of Board members only.
- Enabled the Board to set training requirements for Plumber's Apprentices.
- Provided the Board with a full range of sanctions, including administrative penalties, restitution, and cease and desist orders.
- Provided for less supervision of Plumber's Apprentices by licensed plumbers on plumbing work performed on new residential one or two family dwellings located in unincorporated areas of the state.
- Provided that a person need not be licensed to perform plumbing, other than plumbing performed in conjunction with new construction, in municipalities of less than 5,000 inhabitants, unless the municipality requires the person to be licensed.
- Provided that a person need not be licensed to perform plumbing, other than plumbing performed in conjunction with new construction, on plumbing connected to a public water system located outside of a municipality, unless the public water system requires the person to be licensed.
- Authorized field representatives from the Board and the Texas Department of Licensing and Regulation to check licenses issued by either agency and report violations to the agency issuing the license.

In 2005

- The 79th Legislature (HB 1)
- Reduced the agency cap of full time equivalent (FTE) employee positions from 25 to 22.

In 2007

- The 80th Legislature (HB 1850) amended the plumbing license law section 1301.255(e) to allow qualified plumbing inspection business, as determined by the political subdivision to provide plumbing inspections using licensed plumbing inspectors. (Corresponding rule changes were made to Section 361.1 and 367.2 of the Board Rules).
- SB 1222 Amended the electrician license law and provides for the examination and licensing of residential appliance installers and residential appliance installation contractors.
- HB 1029 provides an exemption from electrician licensing requirements for certain work performed by a plumber.
- HB 1656 provides for a new Irrigation Inspector License issued by the Texas Commission on Environmental Quality and mandatory inspections of irrigation systems.
- HB 1038 requires inspections of homes in areas without municipal inspections. (Whether being built or remodeled).

In 2009

- The 81st legislature (HB 1758) specified Tradesman Plumber-Limited must complete 24 hours of Board approved classroom training prior to qualifying for the journeyman plumber's examination, unless the individual is enrolled in good standing with a Plumber's apprenticeship program approved by the United States Department of Labor, Office of Apprenticeship.
- HB 1758 Journeyman Plumber Examination a Plumber's Apprentice must complete 48 hours classroom training prior to qualifying for examination, unless the individual is enrolled in good standing with a Plumber's Apprenticeship program approved by the United States Department of Labor, Office of Apprenticeship.
- SB 1758 Journeyman and Tradesman Examination a Plumber's Apprentice may request to substitute Board approved classroom training for some of the hours of work experience required for examination.
- Journeyman and Tradesman Examination HB 1758 a Plumber's Apprentice who receives an associate of applied science degree from a Board approved plumbing technology program qualifies to take the Journeyman or Tradesman Examination.
- SB 1354 Master Plumber Examination before qualifying for the Master examination, individuals must hold a Journeyman Plumber license for four years, or one year if the individual has completed a training program approved by the United States Department of Labor, Office of Apprenticeship and the TSBPE Board.
- SB 1354 Drain Cleaner, Drain Cleaner Restricted, Residential Utility Installer requires at least six hours of Board approved training each year for registration renewal.
- SB 1410 Multipurpose Residential Fire Protection Sprinkler Specialist a new endorsement which authorizes Journeyman and Master Plumbers who hold the endorsement to install multipurpose residential fire sprinklers. Requires completion of a training course approved by the Board and passage of an examination administered by the Board.

- SB 1354 Municipalities and other political subdivisions which require plumbing permits must accept permit applications, permit fees and issue permits by telephone, fax or email.
- SB 1354 Municipalities and other political subdivisions which require persons to register before performing plumbing work may not require a person to pay a plumbing registration fee or administrative fee. The plumbing contractor must register electronically or in person.
- SB 1354 Municipalities and other political subdivisions which require drawings of proposed plumbing work must specify how the drawings must be submitted.
- Municipalities and other political subdivisions which require plumbing permits (SB 1354) must verify through the Board's Internet website, or by contacting the board by telephone, that the plumbing contractor has a certificate of insurance on file with the Board.
- Plumbing inspections in a municipality that overlaps another political subdivision (SB 1354) If the boundaries of a municipality and another political subdivision overlap, only the affected municipality may perform a plumbing inspection and collect a permit fee.
- Municipalities may not require residential fire sprinklers in one or two family dwellings SB 1310.
- After January 1, 2009, a municipality may not enact an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one- or two-family dwelling.
- Non-applicability of law governing cancellation of certain transactions HB 3129
- Chapter 601, Business & Commerce Code, does not apply to a good or service provided by a license holder under the Plumbing License Law, if the transaction involving the good or service is initiated by the consumer. Chapter 601, Business & Commerce Code, does apply to a transaction that involves a breach of express warranty or a negligent installation in violation of a building code applicable to the good or service sold to the consumer.
- HB 2376 Responsible Master Plumber training is required before a Master Plumber works as a Responsible Master Plumber. Does not apply to a Master Plumber who, on or before January 1, 2012, provides the Board with a Certificate of Insurance under Sec. 1301.552, that is effective on January 1.
- HB2376 Design of Multipurpose Residential Fire Protection Sprinkler Systems is limited to a Master Plumber who holds a Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement. Effective September 1, 2011.
- HB2376 A Water Supply Protection Specialist is authorized to engage in the installation, service, and repair of plumbing associated with the use and distribution of rainwater to supply a plumbing fixture, appliance, or irrigation system, in addition to performing customer service inspections, as defined by the Texas Commission on Environmental Quality. Effective September 1, 2011.
- HB3372/SB1073 A Water Supply Protection Specialist endorsement is required for the installation and maintenance of a rainwater harvesting system that is connected to a public water supply system and is used for potable purposes. Effective September 1, 2011.

In 2011,

- The 82nd Regular Legislative Session
- The 82nd Regular Legislative Session (HB 1, General Appropriations Act)
 - Provided for two additional full-time Field Representative/Investigators to assist in meeting the demands of the increased number of licensees and registrants regulated by the agency. This brought the total number of Field Representative/Investigators to ten. Enforcement of the Plumbing License Law encourages compliance with the Law, including examination and initial licensing and registration, renewal of licenses and registrations, and safe and proper installation of plumbing. Enforcement of the Plumbing License Law also helps ensure that the fees and administrative penalties collected by the Board meet or exceed its expenditures.
- The 82nd Regular Legislative Session (HB2376)
 - Required that a Master Plumber must submit evidence of completion of a Board approved training class regarding the laws and rules applicable to the operation of a plumbing business in the state of Texas prior to working as a “Responsible Master Plumber”.
 - Amended the definition of Responsible Master Plumber to include only those master plumbers that have completed a Board approved training class regarding the laws and rules applicable to the operation of a plumbing business in the state of Texas before the person works as a responsible master plumber.
 - Amended the definition of Water Supply Protection Specialist endorsement to clarify that the inspections performed by those holding the license endorsement may also perform customer service inspections, as defined by rule of the Texas Commission on Environmental Quality.
 - Amended the definition of Water Supply Protection Specialist endorsement to allow individuals that hold the license endorsement to engage in the installation, service, and repair of plumbing associated with the use and distribution use of rainwater to supply a plumbing fixture, appliance, or irrigation system.
 - Allows the Board to choose not to investigate a complaint in which a person filing the complaint and the person who is the subject of the complaint are engaged in litigation related to the subject matter of the complaint until the outcome of the litigation has been completed if the board determines the complaint process is being abused by the involved parties, but only in those cases where no threat to health or safety exists.
 - Requires that only a Master Plumber holding a Multipurpose Residential Fire Protection Sprinkler System Installation Endorsement may design a system and clarifies that the training required for the endorsement must include training in the design of a system.
 - Clarifies that a Master Plumber who holds a Multipurpose Residential Fire Protection Sprinkler System Installation Endorsement is not required to hold a license or registration issued by any other state agency in order to design a multipurpose residential fire protection sprinkler system.
 - Allows a Responsible Master Plumber to utilize the services of an insurance company that is authorized to engage in the business of insurance as an eligible surplus lines insurer, as defined by Section 981.002, Insurance Code.

- The 82nd Regular Legislative Session (SB1303)
- Amended the definition of a Tradesman Plumber Limited-Licensee to clarify that the individual must work under the general supervision of a Responsible Master Plumber.
- Allows an individual that holds a Master Plumber Multipurpose Residential Fire Protection Sprinkler System Installation Endorsement to offer for a fee, the installation of a fire sprinkler protection system in a new one- or two-family dwelling. The amendment continues to allow for a provision prohibiting municipalities from requiring the installation of any fire protection sprinkler systems in one or two family dwellings, unless a municipality had such an ordinance requiring the systems in place prior to January 1, 2009.

In 2013 the 83rd legislature made the following changes:

The 83rd Regular Legislative Session: (HB2062)

- Amended the definition of “Water Treatment” by specifying that the term does not include the treatment of rainwater or the repair of systems for rainwater harvesting.
- Amended by further clarifying that the exemption to install water treatment systems by individuals licensed by the Texas Commission on Environmental Quality does not include the treatment of rainwater to supply a plumbing fixture or appliance.
- Amended the requirements for the presentation of documents used in the contracting of plumbing work by specifying that the plumber who performs plumbing services shall give the customer an invoice or completed contract document on completion of the plumbing job, regardless of whether the plumber charged a fee for performing the service.
- Amended the Board’s authority for the investigation of complaints to include the owner of a plumbing company in addition to those licensed under the Plumbing License Law.
- Amended the requirements for the holder of a license, endorsement, or registration by specifying that the licensee and registrants must carry the license or registration on his or her person while engaged in plumbing.
- Amended the exemption that allowed individuals that were employed by certain types of utility companies to act as water supply protection specialist or backflow prevention device testers in the course of their employment.
- Added expedited assistance to applicants with verifiable military experience.
- Amended the requirement for municipal permits by specifying that 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 were tasks that do not require permits prior to performing.
- Amended and clarified that a responsible master plumber, plumbing contractor, or other person is specifically exempt from paying a plumbing registration fee or other administrative fee to a municipality or any political subdivision when a permit is required to be obtained.

In 2015 the 84th legislature made the following changes:

Two bills that will change the Plumbing License Law and one that will change the Health and Safety code.

- HB2464 This bill will allow for the transfer of an active aged license number to others within the same family upon death or retirement of the original license holder. This was previously prohibited by law but desired by many.
- HB2255 This bill allows the Board to approve 1000 credit hours rather than 500 hours credit hours for an applicant's work experience when applying for an examination if the applicant has completed the classroom portion of certain training programs. In addition, this will clean up some language and provide greater clarification of duties for Responsible Master Plumbers. This bill also requires that the engineer position on the Board actually practice in the field of plumbing engineering. The requirement for a TSBPE Examiner to hold a plumber license was also confirmed by this bill.
- HB 1902 Relates to the regulation and use of graywater and alternative on-site water. This bill amends Chapters 341 and 366 of the Health and Safety Code and Chapter 26 of the Water Code in relation to the use of graywater and alternative onsite water. The bill requires the Texas Commission on Environmental Quality (TCEQ) to develop standards for both the outdoor (currently allowed) and indoor use of graywater (specifically for toilet and urinal flushing). The bill creates a new regulatory program for "alternative on-site water" and directs the TCEQ to develop similar standards for this new source of water similar to graywater. Additionally the bill allows an adjustment in the size of an on-site sewage disposal system when used in conjunction with a graywater system. TCEQ is required to develop a guidance document on graywater and alternative site water. A TCEQ stakeholder meeting on graywater and alternative site water will be held on August 26, 2015 in Austin. [Click here for more information.](#)

In 2017 the 85th legislature made the following changes:

- (HB 2095, R.S.) – Increased the number of licensees eligible to transfer their license number, upon death or retirement, lowering the number of years the licensee must consecutively hold the license from 50 to 35.
- HB3049, R.S. – Allows the Board to credit an applicant for a Journeyman or Tradesman Plumber-Limited examination with up to 250 hours of work experience if the applicant has completed a coherent sequence of courses in the construction trade that are offered through a career and technical education program that is approved by the Texas Education Agency.
- HB 3277, R.S. – Allows the Board to impose a penalty against a person who is found to in violation the Plumbing License Law, without a hearing, (default process) if the person fails to respond to the notice informing him or her of the alleged violation.

In 2021 the 87th legislature made the following changes:

- HB 636 – Extended the life of the Texas State Board of Plumbing Examiners to the year 2027.

Affected Populations

The Texas State Board of Plumbing Examiners affects every citizen who utilizes plumbing in the State of Texas; relies on uncontaminated drinking water, air, and medical gases and desires to live and work in the safe conditions that properly installed plumbing systems are designed to provide.

Main Functions

The main functions of the Board include:

- administer written and hands-on practical examinations for Tradesman Plumber-Limited Licensees, Journeyman Plumbers, Master Plumbers, Plumbing Inspectors, Water Supply Protection Specialists and Medical Gas Piping Installers
- issue registrations for Plumber's Apprentices, Drain Cleaners, Drain Cleaner-Restricted, and Residential Utilities Installers
- renew licenses and registrations
- approve Continuing Professional Education programs
- investigate consumer complaints
- monitor plumbing job-site compliance
- impose administrative penalties
- issue citations to alleged violators
- suspend and revoke licenses
- review criminal histories of applicants
- assist local authorities with enforcement of the Plumbing License Law

The Board believes that to properly carry out its mission, it must endeavor to educate the industry and consumers in the requirements of the Plumbing License Law and the hazards of improperly installed plumbing. In this public awareness effort, the Board utilizes its internet web site (www.tsbpe.state.gov) and also conducts awareness seminars for plumbing trade schools, high schools, universities, municipal inspection departments and associations, plumbing companies and plumbing trade associations. Included in many of the seminars is the Board's unique cross-connection prevention demonstration unit that houses a display of see-through fixtures and piping which demonstrate how easily our drinking water can be contaminated by improperly installed plumbing systems. These seminars additionally serve to provide information to individuals who are making career decisions and may be encouraged to consider the plumbing industry as a career path.

Examination and Licensing: Section 1301.202 of the Plumbing License Law states, in part, that it is one of the Board's duties to employ one or more examiners to “. . . examine the fitness and qualifications of a person applying to the Board for a license . . .” The Board takes this charge seriously. The Board's examinations and examination center are recognized as setting a high standard in the plumbing industry. Currently, separate examinations are given for Tradesman Plumber-Limited License, Journeyman Plumber, Master Plumber, Mulit-purpose Fire Protection System Installer, Medical Gas Piping Installation Endorsement, Water Supply Protection Specialist Endorsement, and Plumbing Inspector. These examinations consist of thorough written and hands-on-practical sessions, which ensure that licensed plumbers and plumbing inspectors who work with public water supplies, sewage disposal, natural gases and medical gases have the qualifications, knowledge, skills, and competencies to do their jobs properly. The life of any plumbing system, large or small, is directly related to the preparation and assembly of the materials that go into the making of the plumbing system. It is difficult to detect improper preparation of materials once the materials are assembled and installed in the plumbing system, until the system fails. The failure of a plumbing system can result in considerable expense to the consumer, fires, explosions, serious health problems, and death. For this reason, the practical portion of a plumbing examination is critical to ensure the applicant can demonstrate his or her ability to properly prepare and assemble plumbing materials used in plumbing systems. After an applicant assembles materials during the examination, the materials are disassembled and the applicant is graded on how well the materials were prepared prior to assembly. Once a person successfully receives a registration or license, it may be renewed annually by meeting all renewal requirements.

Enforcement: Rigorous and pro-active enforcement of the plumbing regulations is critical to the health and safety of the citizens of Texas. Enforcement and regulation occurs through the receiving and investigation of complaints, checking compliance of plumbing practices and plumber and plumbing inspector licenses at job sites, issuance of reprimands, revocation or suspension of licenses, and issuance of citations, administrative penalties, and cease and desist orders to individuals who violate the Plumbing License Law, or rules and regulations of the Board. Additionally, the Board monitors the Continuing Professional Education courses that are required for license renewal, on a random basis, to ensure all courses meet the minimum requirements of the Plumbing License Law and Board Rules. Without the objective enforcement administered by the Board, industry compliance with the Plumbing License Law could be expected to be minimal, at best, and health and safety risks would increase.

Public and Industry Awareness Efforts: The Board has found that most plumbers desire to "do the right thing," by complying with the laws and rules that regulate their industry. However, without the Board's efforts to reach out to the industry to inform it of what is expected in the way of compliance, many individuals would find themselves in unintentional violation of the regulations. It can also be understood that an educated consumer is able to make better decisions when choosing a plumber when the consumer knows what is expected of the plumber and understands the health and safety hazards associated with improperly installed plumbing. Additionally, when the plumber knows that his or her consumer possesses such knowledge, the plumber is more likely to deliver a better service. For these reasons, the Board's awareness seminars and internet web site are important to both the plumbing industry and the consumer.

Why these functions are needed: Quality plumbing systems installed by qualified plumbers and inspected by qualified plumbing inspectors are critical to the health and safety of the citizens of Texas. Improperly installed plumbing systems can cause and actually have caused injury and death through explosions, fires, contaminated potable water, hospital medical gas contamination, and noxious fumes. Improperly installed plumbing systems can transmit diseases that include typhoid fever, diarrhea, cholera, and amoebic and bacterial dysentery. Sickness or death can occur when noxious fumes such as carbon monoxide, methane gas, and fuel gas are not properly ventilated by our plumbing systems. Improperly installed medical gas systems can deliver contaminated or cross-connected medical gases to hospital patients causing sickness and death.

Organizational Structure and Process

As pointed out previously, The Board is composed of nine members, who serve six-year staggered terms. All Board members are appointed by the Governor and confirmed by the Senate. One member of the Board shall have had at least ten years practical experience and be licensed as a master plumber, one member shall have had at least five years practical experience and be licensed as a journeyman plumber, one member shall be a plumbing contractor with five years experience, one member shall be a licensed professional engineer, two members shall be building contractors with five years contracting experience (one of whom shall be principally engaged in home building and one of whom shall be principally engaged in commercial building), and one member shall have had at least five years practical experience and be licensed as a plumbing inspector. Two members must be representatives of the general public. The Governor may appoint the presiding officer of the Board. The Board considers public and industry input. The Board proposes and adopts rules and sets policy as necessary to carry out the enabling statute. The Board employs an Executive Director to carry out the policies and rules adopted by the Board.

The Board's Executive Director supervises all department managers. Under the supervision of the Executive Director is the Executive Assistant to the Director and Board, Director of Enforcement, Director of Financial Operations and Director of Examinations. The Executive Director also supervises the Board's two Examiners and one Administrative Examination Assistant. The Executive Assistant to the Director and Board supervises one Administrative Technician who processes all renewals and initial licenses, one Administrative Technician who assists with the licensing process and also serves as the agency's purchaser, and one Administrative Technician who serves as the agency's receptionist. The Director of Enforcement supervises the Board's eleven Field Representative/Investigators, who are located around the state, and two Administrative Technicians who work in the Austin office. The Director of Financial Operations supervises one Accountant.

The Examination and Licensing program provides examinations for Master Plumber, Journeyman Plumber, Tradesman Plumber-Limited License, Plumbing Inspector, Medical Gas Endorsements, Water Supply Protection Specialist Endorsements, and Multi-Purpose Fire Protection Specialist Endorsement, issues and renews licenses for the successful applicants. Under this program, the Board also administers registration of Plumber's Apprentices, Residential Utilities Installers, Drain Cleaners and Drain Cleaner-Restricted Registrants.

The Master Plumber, Journeyman Plumber, Tradesman Plumber-Limited License and Medical Gas Piping Installation, Multi-Purpose Fire Protection Specialist endorsement examinations include a "hands on" practical portion, as well as a written portion. The Plumbing Inspector examination is a written examination with a "hands on" mock inspection of model plumbing systems. The Water Supply Protection Specialist examination is a written examination. All of the examinations are given at the Board's examination center, located in Austin. The Board administers the written portion of the Journeyman and Tradesman Plumber-Limited Licensee examination in El Paso and the Rio Grande Valley area, approximately monthly. The Water Supply Protection Specialist Endorsement examinations are given in locations around the state, on an "as needed" basis. Remote examinations are proctored by the Board's Field Representative/Investigators assigned to the respective area.

All licenses and registrations renew annually. License endorsements renew every three years. All licenses require six hours of Continuing Professional Education for renewal of the license. Currently, all licenses and registrations may be renewed online, utilizing Texas Online. In the near future, all initial applications for registrations and licenses will have the ability to be processed online.

The Enforcement Program provides for enforcement of the Board's enabling statute, including:

- The intake and investigation of consumer complaints
- On-site monitoring of plumbing jobs
- Monitoring of Continuing Professional Education programs
- Cooperative enforcement with local municipalities and municipal Plumbing Inspectors
- Proactive enforcement through public and industry awareness
- Imposition of administrative penalties
- Issuing and filing of citations in local Justice Courts
- Monitoring of repeat or serious violators of the Plumbing License Law and Board Rules; and subsequent referral to the Enforcement Committee for review

- Carrying out of administrative penalties by pursuing cases through the State Office of Administrative Hearings, including suspension and revocation of licenses and administrative penalties.

Geographic Location of the Agency

The Board's administrative office and examination center are located at 929 East 41st Street, Austin, Texas.

The Board's Field Representative/Investigators office from their homes, located in the following areas:

Texas State Board of Plumbing Examiners Field Representatives Areas of Responsibility

- * Dallas (Statewide)
- * Houston (East)
- * Harlingen (South)
- * El Paso (Southwest)
- * Houston (Southeast)
- * Dallas (North East)
- * Lubbock (Panhandle)
- * Roundrock/Temple/Killeen
- * Fort Worth (Northwest)
- * San Antonio (South)
- * Temple (Central)



Location of Service Populations and Geographic Regions Served by the Agency

The Texas State Board of Plumbing Examiners serves the entire population of the state in all regions of the state. Although a plumbing license is not required in all geographic regions of the state, the Board regulates licensed plumbers and registrants regardless of where they install plumbing within the state.

Human Resource Strengths and Weaknesses

Possibly the greatest strength of the agency's human resources are the number of employees who possess experience and expertise in the plumbing industry. Seventeen of the Board's employees, including the Executive Director, Director of Enforcement, Director of Examinations, Field Representative/Investigators and Examiners, are licensed plumbers. Cross training between the examination and enforcement departments is another strength. The Executive Director, Director of Enforcement, and Field Representative/Investigators are certified by the Council on Licensure, Enforcement, and Regulation (CLEAR) as Investigators.

The agency's turnover rate FTE (Full-Time Employee) has remained basically stable. Because of the small number of employees one employee makes a relatively large percentage difference (about 4.3%).

Capital Asset Strengths and Weaknesses

One of the Board's assets is its examination center. The Board's examinations and examination center are recognized as setting a high standard in the plumbing industry. Currently, separate examinations are given for Journeyman Plumber, Master Plumber, Tradesman Plumber-Limited, Medical Gas Piping Installation, Water Supply Protection Specialist Endorsements, Multi-Purpose Fire Protection Specialist Endorsement and Plumbing Inspector. All of these examinations, with the exception of the Water Supply Protection Specialist examination, consist of thorough written and hands-on-practical sessions that ensure that licensed plumbers and plumbing inspectors who work with public water supplies, sewage disposal, natural gases and medical gases have the qualifications, knowledge, skills, and competencies to do their jobs properly. The Board's examination center allows the Board to conduct the practical examinations, as explained earlier.

A Summary of Board Activities

Examination

The Examination Center is visited each year by diverse groups, including State legislators, State officials, students, health officers, inspectors and others. The Board has maintained a library of technical books on sanitary plumbing practices. The Board also maintains a library of educational video tapes illustrating the various ways the public water supply can be contaminated by back siphonage and back flow. These tapes are loaned to government entities, schools, trade associations, and private industry for use in public gatherings.

Complaints/Enforcement

The Board utilizes its 1-800 telephone line (1-800-845-6584), to provide more accessibility for the public to register complaints. The Board interprets the term complaint broadly to mean an "alleged violation of the Plumbing License act." Thus investigators and other investigative staff in Inspections/Enforcement issue citations against people doing plumbing who allegedly violate the Plumbing License act. The 78th Legislature provided the Board with a full range of sanctions, including administrative penalties, restitution, and cease and desist orders.

The Board's Enforcement Committee, composed of four staff members, reviews the investigative reports on alleged violations of the Plumbing License act and negotiates with the defendants for agreed settlements. an assistant attorney General is required to attend these committee meetings. If an agreed settlement is not achieved, the Board takes the complaint to the state Office of administrative hearings (SOAH) to obtain an administrative penalty.



The Plumbing License Law

Occupations Code, Title 8, Chapter 1301

June 2021

**Texas State Board of Plumbing Examiners
P.O. Box 4200, Austin, TX 78765
1-800-845-6584
www.tsbpe.state.tx.us**

OCCUPATIONS CODE
TITLE 8. REGULATION OF ENVIRONMENTAL AND INDUSTRIAL TRADES
CHAPTER 1301. PLUMBERS
“THE PLUMBING LICENSE LAW”

JUNE 2020

NOTE: For the official publication of the Plumbing License Law (Occupations Code, Title 8, Chapter 1301) please refer to:

<http://www.statutes.legis.state.tx.us/?link=OC>

KEY TO CHANGES IN THE 2020 PLUMBING LICENSE LAW: Text which has been changed will be noted by the following means; DELETED TEXT will be struck through (ie. ~~has completed a training program~~), NEW ADDED TEXT will be bold underlined (ie. **has completed a training program**).

TABLE OF CONTENTS

<u>SUBCHAPTER, SECTION NUMBER, TITLE</u>	<u>PAGE</u>
SUBCHAPTER A. GENERAL PROVISIONS	
Sec. 1301.001. Short Title.	26
Sec. 1301.002. Definitions.	26
Sec. 1301.003. Application of Sunset Act.	28
Sec. 1301.004. Nonapplicability of Law Governing Cancellation of Certain Transactions	28
SUBCHAPTER B. EXEMPTIONS	
Sec. 1301.051. Plumbing by Property Owner in Homestead	28
Sec. 1301.052. Work Inside Counties or Inside or Outside Municipalities	29
Sec. 1301.053. Work Incidental to Other Professions.	29
Sec. 1301.054. Irrigators and Water Well Pump Installers.	30
Sec. 1301.055. LP Gas Installers	30
Sec. 1301.056. Lawn Irrigation Systems.	30
Sec. 1301.057. Self-Help Project	30
Sec. 1301.058. Testing of Medical Gas and Vacuum Piping.	31
SUBCHAPTER C. TEXAS STATE BOARD OF PLUMBING EXAMINERS.	
Sec. 1301.151. Texas State Board of Plumbing Examiners Membership.	31
Sec. 1301.152. Eligibility of Public Members.	31
Sec. 1301.153. Membership and Employee Restrictions	31
Sec. 1301.154. Terms	32
Sec. 1301.155. Issuance of Commission	32
Sec. 1301.156. Grounds for Removal	32
Sec. 1301.157. Officers.	32
Sec. 1301.158. Per Diem; Reimbursement.	33
Sec. 1301.159. Training.	33

SUBCHAPTER D. EXECUTIVE DIRECTOR AND OTHER BOARD PERSONNEL

Sec. 1301.201.	Executive Director and Staff.	33
Sec. 1301.202.	Plumbing Examiner	34
Sec. 1301.203.	Field Representative; Inspections	34
Sec. 1301.204.	Career Ladder Program; Performance Evaluations	34
Sec. 1301.205.	Equal Employment Opportunity Policy.	34
Sec. 1301.207.	Standards of Conduct	35
Sec. 1301.208.	Separation of Responsibilities	35

SUBCHAPTER E. BOARD POWERS AND DUTIES

Sec. 1301.251.	General Duties of Board.	35
Sec. 1301.252.	Rules Restricting Advertising or Competitive Bidding	35
Sec. 1301.253.	Fees	35
Sec. 1301.254.	Seal	36
Sec. 1301.255.	Adoption of Plumbing Codes	36
Sec. 1301.256.	Subpoena.	36
Sec. 1301.258.	Advisory Committees.	37
Sec. 1301.258.	Board Committees	37
Sec. 1301.259.	Memorandum of Understanding.	37
Sec. 1301.260.	Policy on Technological Solutions	37
Sec. 1301.261.	Negotiated Rulemaking and Alternative Dispute Resolution . . .	38
Sec. 1301.262.	Plumbing Inspector Code of Conduct	38

SUBCHAPTER F. CONSUMER INTEREST INFORMATION AND COMPLAINT PROCEDURES

Sec. 1301.301.	Consumer Interest Information	38
Sec. 1301.3015.	Public Participation.	38
Sec. 1301.302.	Contract Information.	38
Sec. 1301.303.	Complaints	39
Sec. 1301.304.	Investigation of Complaints	39

SUBCHAPTER G. LICENSE, ENDORSEMENT, AND REGISTRATION REQUIREMENTS.

Sec. 1301.351.	License, Endorsement, or Registration Required	40
Sec. 1301.352.	Examination Required	40
Sec. 1301.3521.	Examination Fee Refund	40
Sec. 1301.3522.	Examination Review Course	41
Sec. 1301.353.	Inspector Conflicts Prohibited	41
Sec. 1301.354.	Plumber's Apprentice.	41
Sec. 1301.3541.	Apprentice Registration Requirements	42
Sec. 1301.355.	Examination Results	42
Sec. 1301.356.	Endorsement: Medical Gas Piping Installation	42
Sec. 1301.3565.	Endorsement: Multipurpose Residential Fire Protection Sprinkler Specialist.	42
Sec. 1301.357.	Endorsement: Water Supply Protection Specialist	43
Sec. 1301.3575.	Registration of Certain Persons	44
Sec. 1301.3576.	Certificate of Insurance for Responsible Master Plumber	44

Sec. 1301.358.	Out-of-State Applicants; Provisional License	44
Sec. 1301.3585.	License Eligibility Requirements for Applicants with Military Experience	45
Sec. 1301.359.	Statewide Validity of License, Endorsement, or Registration; Nontransferability.	45
SUBCHAPTER H. LICENSE, ENDORSEMENT, AND REGISTRATION EXPIRATION AND RENEWAL.		
Sec. 1301.401.	Annual Renewal Required	45
Sec. 1301.402.	Notice of License, Endorsement, or Registration Expiration	46
Sec. 1301.403.	Procedure for Renewal.	46
Sec. 1301.404.	Mandatory Continuing Professional Education	47
Sec. 1301.405.	Mandatory Training for Drain Cleaner, Drain Cleaner- Restricted Registrant, Residential Utilities Installer	47
Sec. 1301.406.	Transfer of License Number	47
SUBCHAPTER I. DISCIPLINARY PROCEDURES.		
Sec. 1301.451.	Disciplinary Powers of the Board.	48
Sec. 1301.452.	Grounds for Disciplinary Action.	48
Sec. 1301.4521.	Consequences of Criminal Conviction.	48
Sec. 1301.4522.	Review of Application.	49
Sec. 1301.453.	Hearing	49
Sec. 1301.454.	Administrative Procedure.	49
SUBCHAPTER J. OTHER PENALTIES AND ENFORCEMENT PROVISIONS.		
Sec. 1301.501.	Backflow Prevention.	49
Sec. 1301.502.	Citation.	49
Sec. 1301.503.	Enforcement by Plumbing Inspector	50
Sec. 1301.504.	Injunction	50
Sec. 1301.5045.	Cease and Desist Order	50
Sec. 1301.505.	Representation by Attorney General	50
Sec. 1301.506.	Appeal Bond Not Required	50
Sec. 1301.507.	Civil Penalty	50
Sec. 1301.5071.	Informal Settlement Conference; Restitution	50
Sec. 1301.508.	Criminal Penalty.	51
SUBCHAPTER K. REGULATION BY CERTAIN POLITICAL SUBDIVISIONS		
Sec. 1301.551.	Municipal Plumbing Ordinances and Permits	51
Sec. 1301.552.	Certificate of Insurance for Plumbing Permit in Political Subdivision.	52
Sec. 1301.553.	Plumbing Inspections in Municipality that Overlaps Municipal Utility District	52
SUBCHAPTER M. INTERAGENCY COOPERATION AND REGULATION.		
Sec. 1301.651.	Definition	53
Sec. 1301.652.	Public Education Effort.	53

SUBCHAPTER N. ADMINISTRATIVE PENALTY

Sec. 1301.701.	Imposition of Penalty	53
Sec. 1301.702.	Amount of Penalty	53
Sec. 1301.703.	Report and Notice of Violation and Penalty	54
Sec. 1301.704.	Penalty to be Paid or Hearing Requested	54
Sec. 1301.705.	Hearing	54
Sec. 1301.706.	Decision by Board	54
Sec. 1301.707.	Options Following Decision: Pay or Appeal.	54
Sec. 1301.708.	Stay of Enforcement Penalty	55
Sec. 1301.709.	Decision by Court.	55
Sec. 1301.710.	Remittance of Penalty and Interest	55
Sec. 1301.711.	Release of Bond	56
Sec. 1301.712.	Collection of Penalty	56
Sec. 1301.713.	Administrative Procedure.	56

OCCUPATIONS CODE
TITLE 8. REGULATION OF ENVIRONMENTAL AND INDUSTRIAL TRADES
CHAPTER 1301. PLUMBERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1301.001. SHORT TITLE.

This chapter may be cited as the Plumbing License Law. Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 1301.002. DEFINITIONS.

In this chapter:

- (1) **“Board”** means the Texas State Board of Plumbing Examiners.
- (1-a) **“Control valve”** means a valve that operates each time water is supplied to, or shut off from, a receptacle or plumbing fixture. The term does not include a stop valve that may be installed in the water supply branch to the control valve.
- (1-b) **“Executive director”** means the executive director of the Texas State Board of Plumbing Examiners.
- (2) **“Drain cleaner”** means a person who:
 - (A) has completed at least 4,000 hours working under the supervision of a responsible master plumber as a drain cleaner-restricted registrant;
 - (B) has fulfilled the requirements of and is registered with the board; and
 - (C) installs cleanouts and removes and resets p-traps to eliminate obstructions in building drains and sewers under the supervision of a responsible master plumber.
- (3) **“Drain cleaner-restricted registrant”** means a person who:
 - (A) has worked as a plumber's apprentice under the supervision of a responsible master plumber;
 - (B) has fulfilled the requirements of and is registered with the board; and
 - (C) clears obstructions in sewer and drain lines through any code-approved existing opening under the supervision of a responsible master plumber.
- (4) **“Journeyman plumber”** means a person licensed under this chapter who:
 - (A) has met the qualifications for registration as a plumber's apprentice or for licensing as a tradesman plumber-limited license holder;
 - (B) has completed at least 8,000 hours working under the supervision of a responsible master plumber;
 - (C) installs, changes, repairs, services, or renovates plumbing or supervises any of those activities under the supervision of a responsible master plumber;
 - (D) has passed the required examination; and
 - (E) has fulfilled the other requirements of the board.
- (5) **“Master plumber”** means a person licensed under this chapter who:
 - (A) is skilled in the design, planning, and superintending of plumbing and in the practical installation, repair, and servicing of plumbing;
 - (B) has worked as a journeyman plumber:
 - (i) for at least four years; or
 - (ii) for at least one year and has successfully completed a training program approved by the United States Department of Labor Office of Apprenticeship or another nationally recognized apprentice training program accepted by the board;
 - (C) performs or supervises plumbing work;

(D) has passed the required examination; and

(E) has fulfilled the other requirements of the board.

(5-a) **“Multipurpose residential fire protection sprinkler specialist”** means a person who holds an endorsement issued under Section 1301.3565.

(6) **“Plumber’s apprentice”** means a person other than a master plumber, journeyman plumber, or tradesman plumber-limited license holder who, as the person’s principal occupation, learns about and assists in the installation of plumbing, has fulfilled the requirements of and is registered by the board, and works under the supervision of a responsible master plumber and the direct supervision of a licensed plumber.

(7) **“Plumbing”** means:

(A) a fixture, appurtenance, appliance, or piping, including a disposal system, used to:

(i) supply, distribute, circulate, or recirculate water, other liquid, or gas; or

(ii) eliminate sewage for a personal or domestic purpose;

(B) a fixture, appurtenance, appliance, or piping used outside a building to connect the building to:

(i) a supply of water, other liquid, medical gases and vacuum, or other gas on the premises; or

(ii) the main in the street or alley or at the curb;

(C) a fixture, appurtenance, appliance, or piping, including a drain or waste pipe, used to carry wastewater or sewage from or within a building to:

(i) a sewer service lateral at the curb or in the street or alley; or

(ii) a disposal or septic terminal that holds private or domestic sewage; or

(D) the installation, repair, service, or maintenance of a fixture, appurtenance, appliance, or piping described by Paragraph (A), (B), or (C).

(8) **“Plumbing inspector”** means a person who:

(A) is employed by a political subdivision or state agency, or contracts as an independent contractor with a political subdivision or state agency, to inspect plumbing in connection with health and safety laws, including ordinances, and plumbing and gas codes;

(B) has passed the required examination; and

(C) has fulfilled the other requirements of the board.

(9) **“Residential utilities installer”** means a person who:

(A) has completed at least 2,000 hours working under the supervision of a master plumber as a plumber’s apprentice;

(B) has fulfilled the requirements of and is registered with the board; and

(C) constructs and installs yard water service piping for one-family or two-family dwellings and building sewers under the supervision of a responsible master plumber.

(9-a) **“Responsible master plumber”** means a person licensed as a master plumber under this chapter who:

(A) allows the person’s master plumber license to be used by one plumbing company for the purpose of offering and performing plumbing work under the person’s master plumber license;

(B) is authorized to obtain permits for plumbing work;

(C) assumes responsibility for plumbing work performed under the person's license; **and**

(D) has submitted a certificate of insurance as required by Section 1301.3576; **and**

~~(E) has completed a training program required by Section 1301.3576.~~

(10) **"Tradesman plumber-limited license holder"** means a person who:

(A) has completed at least 4,000 hours working under the direct supervision of a journeyman or master plumber as a plumber's apprentice;

(B) has passed the required examination;

(C) constructs and installs plumbing for one-family or two-family dwellings under the supervision of a responsible master plumber; and;

(D) has fulfilled the other requirements of the board.

(11) **"Water supply protection specialist"** means a person who holds an endorsement issued by the board to engage in:

(A) customer service inspections, as defined by rule of the Texas Commission on Environmental Quality; and

(B) the installation, service, and repair of plumbing associated with the treatment, use, and distribution use of rainwater to supply a plumbing fixture, or appliance.

(12) **"Water treatment"** means a business conducted under contract that requires ability, experience, and skill in analyzing water to determine how to treat influent and effluent water to change or purify the water or to add or remove minerals, chemicals, or bacteria. The term does not include treatment of rainwater or the repair of systems for rainwater harvesting. The term includes:

(A) installing and servicing fixed or portable water treatment equipment in a public or private water treatment system; or

(B) making connections necessary to install a water treatment system.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 819, Sec. 1(a), eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1276, Sec. 14A.301(a), eff. Sept. 1, 2003.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 804 (S.B. 1410), Sec. 1, eff. September 1, 2009. Acts 2009, 81st Leg., R.S., Ch. 1380 (S.B. 1354), Sec. 1, eff. September 1, 2009. Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 18.002, eff. September 1, 2011. Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 18.003, eff. September 1, 2011. Acts 2011, 82nd Leg., R.S., Ch. 526 (H.B. 2376), Sec. 1, eff. September 1, 2011. Acts 2013, 83rd Leg., R.S., Ch. 981 (H.B. 2062), Sec. 1, eff. September 1, 2013. Acts 2015, 84th Leg., R.S., Ch. 973 (H.B. 2255), Sec. 1, eff. September 1, 2015.

Sec. 1301.003. APPLICATION OF SUNSET ACT.

The Texas State Board of Plumbing Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, **2027** ~~2019~~. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 819, Sec. 2, eff. Sept. 1, 2003. Amended by: Acts 2011, 82nd Leg., R.S., Ch. 1232 (S.B. 652), Sec. 4.09, eff. June 17, 2011.*

Sec. 1301.004. NONAPPLICABILITY OF LAW GOVERNING CANCELLATION OF CERTAIN TRANSACTIONS.

Except as otherwise provided by this section, Chapter 601, Business & Commerce Code, does not apply to a good or service provided by a license holder under this chapter if the transaction involving the good or service is initiated by the consumer. Chapter 601, Business & Commerce Code, does apply to a transaction that involves a breach of express warranty or a negligent installation in violation of a building code applicable to the good or service sold to the consumer. *Added by Acts 2009, 81st Leg., R.S., Ch. 937 (H.B. 3129), Sec. 1, eff. June 19, 2009.*

SUBCHAPTER B. EXEMPTIONS

Sec. 1301.051. PLUMBING BY PROPERTY OWNER IN HOMESTEAD.

A property owner is not required to be licensed under this chapter to perform plumbing in the property owner's homestead. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.052. WORK INSIDE COUNTIES OR INSIDE OR OUTSIDE MUNICIPALITIES.

A person is not required to be licensed under this chapter to perform plumbing, other than plumbing performed in conjunction with new construction, repair, or remodeling, on a property that is:

- (1) located in a subdivision or on a tract of land that is not required to be platted under Section 232.0015, Local Government Code;
- (2) not connected to a public water system and is located outside a municipality;
- (3) located outside a municipality and connected to a public water system that does not require a license to perform plumbing; or
- (4) located inside a municipality that is within a county that has fewer than 50,000 inhabitants and that:
 - (A) has fewer than 5,000 inhabitants; and
 - (B) by municipal ordinance has authorized a person who is not licensed under this chapter to perform plumbing. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 819, Sec. 3(a), eff. Sept. 1, 2003. Amended by: Acts 2009, 81st Leg., R.S., Ch. 1380 (S.B. 1354), Sec. 2, eff. September 1, 2009.*

Sec. 1301.053. WORK INCIDENTAL TO OTHER PROFESSIONS.

- (a) A person is not required to be licensed under this chapter to perform:
 - (1) plumbing incidental to and in connection with the business in which the person is employed or engaged if the person:
 - (A) is regularly employed as or acting as a maintenance person or maintenance engineer; and
 - (B) does not engage in plumbing for the public;
 - (2) construction, installation, or maintenance on the premises or equipment of a railroad if the person is an employee of the railroad who does not engage in plumbing for the public;
 - (3) plumbing if the person is engaged by a public service company to:
 - (A) lay, maintain, or operate its service mains or lines to the point of measurement; and
 - (B) install, change, adjust, repair, remove, or renovate appurtenances, equipment, or appliances;

(4) appliance installation and service work, other than installation and service work on water heaters, that involves connecting appliances to existing openings with a code-approved appliance connector if the person performs the work as an appliance dealer or an employee of an appliance dealer; or

(5) water treatment installations, exchanges, services, or repairs, other than the treatment of rainwater to supply a plumbing fixture or appliance.

(b) Work described by this section is subject to inspection and approval as provided by applicable state law or municipal ordinance. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.303(a), eff. Sept. 1, 2003. Amended by: Acts 2009, 81st Leg., R.S., Ch. 1380 (S.B. 1354), Sec. 3, eff. September 1, 2009. Acts 2013, 83rd Leg., R.S., Ch. 981 (H.B. 2062), Sec. 2, eff. September 1, 2013.*

Sec. 1301.054. IRRIGATORS AND WATER WELL PUMP INSTALLERS.

A person is not required to be licensed under this chapter to perform plumbing if the person holds a:

- (1) certificate of registration as an irrigator issued under Chapter 1903; or
- (2) license as a water well pump installer issued under Chapter 1902.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 1301.055. LP GAS INSTALLERS.

A person is not required to be licensed under this chapter to perform LPG system installation if the person performs the LPG system installation as an LP gas installer licensed under Subchapter D, Chapter 113, Natural Resources Code. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.303(a), eff. Sept. 1, 2003.*

Sec. 1301.056. LAWN IRRIGATION SYSTEMS.

A person licensed by the board is not required to be licensed by another board or agency to install or work on a lawn irrigation system. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.057. SELF-HELP PROJECT.

(a) A person is not required to be licensed under this chapter to perform plumbing, limited to the provision of a residential potable water supply or residential sanitary sewer connection, for a project that:

- (1) is in a county a part of which is within 50 miles of an international border; and
- (2) is performed by an organization that:

(A) is certified by the Texas Natural Resource Conservation Commission to provide self-help project assistance; and

(B) provides the board with the following information before the 30th day before the date the project begins:

- (i) the exact location of the project;
- (ii) the intended duration of the project; and
- (iii) other information the board requires.

(b) The board may require under Subsection (a)(2)(B)(iii) that the organization provide a post-construction report signed by a plumbing inspector stating that the plumbing is safe.

(c) The board may provide training to an organization that provides self-help project assistance under this section. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.058. TESTING OF MEDICAL GAS AND VACUUM PIPING.

A person is not required to be licensed under this chapter to verify medical gas and vacuum piping integrity and content. *Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.303(a), eff. Sept. 1, 2003.*

SUBCHAPTER C. TEXAS STATE BOARD OF PLUMBING EXAMINERS**Sec. 1301.151. TEXAS STATE BOARD OF PLUMBING EXAMINERS MEMBERSHIP.**

(a) The Texas State Board of Plumbing Examiners consists of nine members appointed by the governor with the advice and consent of the senate as follows:

- (1) one member who has at least 10 years' practical experience and is licensed as a master plumber;
- (2) one member who has at least five years' practical experience and is licensed as a journeyman plumber;
- (3) one member who has at least five years' practical experience and is licensed as a plumbing inspector;
- (4) one member who is a plumbing contractor with at least five years' experience;
- (5) one member who is a licensed engineer;
- (6) two members who are building contractors with at least five years' contracting experience, one of whom is principally engaged in home building and one of whom is principally engaged in commercial building; and
- (7) two members who represent the public.

(b) Each member of the board must be a United States citizen.

(c) Appointments to the board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 819, Sec. 4, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1276, Sec. 14A.304(a), eff. Sept. 1, 2003. Amended by: Acts 2015, 84th Leg., R.S., Ch. 973 (H.B. 2255), Sec. 2, eff. September 1, 2015.*

Sec. 1301.152. ELIGIBILITY OF PUBLIC MEMBERS.

A person is not eligible for appointment as a public member of the board if the person or the person's spouse:

- (1) is licensed by an occupational regulatory agency in the building construction industry;
- (2) is employed by or participates in the management of an agency or business entity related to the building construction industry; or
- (3) has, other than as a consumer, a financial interest in a business entity related to the building construction industry. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.153. MEMBERSHIP AND EMPLOYEE RESTRICTIONS.

(a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the board and may not be a board employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of building construction; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of building construction.

(c) A person may not be a member of the board or act as the general counsel to the board or the agency if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the agency. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 819, Sec. 5, eff. Sept. 1, 2003.*

Sec. 1301.154. TERMS.

Board members serve staggered six-year terms. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.155. ISSUANCE OF COMMISSION.

On presentation of the constitutional oath of office and a certificate of appointment, the secretary of state shall issue a commission to a board member as evidence of the person's authority to act as a board member. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.156. GROUNDS FOR REMOVAL.

(a) It is a ground for removal from the board that a member:

(1) does not have at the time of taking office the qualifications required by Section 1301.151 or 1301.152;

(2) does not maintain during service on the board the qualifications required by Section 1301.151 or 1301.152;

(3) is ineligible for membership under Section 1301.153;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the board.

(b) The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a board member exists.

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 819, Sec. 6, eff. Sept. 1, 2003.*

Sec. 1301.157. OFFICERS.

(a) The governor shall designate a member of the board as the presiding officer of the board to serve in that capacity at the pleasure of the governor.

(b) The board shall elect a secretary from its membership. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 819, Sec. 7, eff. Sept. 1, 2003.*

Sec. 1301.158. PER DIEM; REIMBURSEMENT.

- (a) A board member may not receive a fixed salary for service on the board.
- (b) A board member is entitled to receive a per diem as set by the General Appropriations Act for each day the member engages in the business of the board.
- (c) A board member may not receive reimbursement for travel expenses, including expenses for meals and lodging, other than transportation expenses. A member is entitled to reimbursement for transportation expenses as provided by the General Appropriations Act. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.159. TRAINING.

- (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.
- (b) The training program must provide the person with information regarding:
 - (1) this chapter;
 - (2) the programs operated by the agency;
 - (3) the role and functions of the agency;
 - (4) the rules of the agency, with an emphasis on the rules that relate to disciplinary and investigatory authority;
 - (5) the current budget for the agency;
 - (6) the results of the most recent formal audit of the agency;
 - (7) the requirements of:
 - (A) the open meetings law, Chapter 551, Government Code;
 - (B) the public information law, Chapter 552, Government Code;
 - (C) the administrative procedure law, Chapter 2001, Government Code; and
 - (D) other laws relating to public officials, including conflict-of-interest laws;

and

 - (8) any applicable ethics policies adopted by the agency or the Texas Ethics Commission.- (c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 8, eff. Sept. 1, 2003.*

SUBCHAPTER D. EXECUTIVE DIRECTOR AND OTHER BOARD PERSONNEL**Sec. 1301.201. EXECUTIVE DIRECTOR AND STAFF.**

- (a) The board shall employ an executive director as the executive head of the agency.
- (b) The board may employ personnel as necessary to administer this chapter. The board may determine the compensation and duties of its employees and the terms of their employment. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 819, Sec. 10, eff. Sept. 1, 2003.*

Sec. 1301.202. CERTAIN PLUMBING EXAMINERS EXAMINER.

to read as follows:

- (a) If an examination required for the issuance of a license, registration, or endorsement under this chapter contains a practical component, the [The] board shall employ or contract with one or more plumbing examiners to administer that portion of the examination. [A plumbing examiner serves at the will of the board.]

A plumbing examiner must:

(1) hold a license as a plumber issued under this chapter;
(2) be knowledgeable of this chapter and municipal ordinances relating to plumbing; and

(3) be qualified by experience and training in plumbing practice.

~~(1) examine the fitness and qualifications of a person applying to the board for a license as a master plumber, journeyman plumber, tradesman plumber limited license holder, or plumbing inspector; and~~

~~(2) promptly certify the result of the examination to the board. Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.305(a), eff. Sept. 1, 2003. Amended by: Acts 2015, 84th Leg., R.S., Ch. 973 (H.B. 2255), Sec. 3, eff. September 1, 2015.~~

Sec. 1301.203. FIELD REPRESENTATIVE; INSPECTIONS.

(a) The board may employ a field representative to assist the board in enforcing this chapter and rules adopted under this chapter. A field representative must:

(1) hold a license as a plumber under this chapter;
 (2) be knowledgeable of this chapter and municipal ordinances relating to plumbing; and
 (3) be qualified by experience and training in plumbing practice.

(b) A field representative may:

(1) conduct on-site license checks to determine compliance with this chapter;
 (2) investigate consumer complaints filed under Section 1301.303;
 (3) assist municipal plumbing inspectors in enforcing this chapter;
 (4) issue citations as provided by Section 1301.502; and
 (5) in the performance of the field representative's other duties under this chapter, check the license, registration, or endorsement of a person regulated by the Texas Department of Licensing and Regulation in accordance with the memorandum of understanding adopted under Section 1301.259 and report any noncompliance to that agency.

(c) The board by rule shall assign priorities and prescribe procedures for conducting checks described by Subsection (b)(1) based on:

(1) the degree of potential harm to public health, safety, or property;
(2) the history of previous violations of this chapter or a rule adopted under this chapter by a person regulated under this chapter; and

(3) any other indication of increased risk to public health, safety, or property, as determined by the board. Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 819, Sec. 11, eff. Sept. 1, 2003. Amended by: Acts 2009, 81st Leg., R.S., Ch. 1380 (S.B. 1354), Sec. 4, eff. September 1, 2009.

Sec. 1301.204. CAREER LADDER PROGRAM; PERFORMANCE EVALUATIONS.

(a) The presiding officer of the board or the presiding officer's designee shall develop an intra-agency career ladder program. The program must require intra-agency posting of each nonentry level position at least 10 days before the date of any public posting.

(b) The presiding officer of the board or the presiding officer's designee shall develop a system of annual performance evaluations based on measurable job tasks. All merit pay for board employees must be based on the system established under this subsection. Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 1301.205. EQUAL EMPLOYMENT OPPORTUNITY POLICY.

(a) The executive director or the executive director's designee shall prepare and maintain a written policy statement that implements a program of equal employment opportunity to ensure that all personnel decisions are made without regard to race, color, disability, sex, religion, age, or national origin.

(b) The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, training, and promotion of personnel, that show the intent of the agency to avoid the unlawful employment practices described by Chapter 21, Labor Code; and

(2) an analysis of the extent to which the composition of the agency's personnel is in accordance with state and federal law and a description of reasonable methods to achieve compliance with state and federal law.

(c) The policy statement must:

(1) be updated annually;

(2) be reviewed by the state Commission on Human Rights for compliance with Subsection (b)(1); and

(3) be filed with the governor's office. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 12, eff. Sept. 1, 2003.*

Sec. 1301.207. STANDARDS OF CONDUCT.

The executive director or the executive director's designee shall provide to members of the board and to agency employees, as often as necessary, information regarding the requirements for office or employment under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 12, eff. Sept. 1, 2003.*

Sec. 1301.208. SEPARATION OF RESPONSIBILITIES.

The board shall develop and implement policies that clearly separate the policy-making responsibilities of the board and the management responsibilities of the executive director and the staff of the agency. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 12, eff. Sept. 1, 2003.*

SUBCHAPTER E. BOARD POWERS AND DUTIES**Sec. 1301.251. GENERAL DUTIES OF BOARD.**

The board shall:

(1) administer this chapter;

(2) adopt and enforce rules necessary to administer this chapter; and

(3) keep a record of each proceeding conducted before and action taken by the board. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.252. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING.

(a) The board may not adopt a rule restricting advertising or competitive bidding by a person licensed under this chapter except to prohibit false, misleading, or deceptive practices by the person.

(b) The board may not include in its rules to prohibit false, misleading, or deceptive practices a rule that:

(1) restricts the person's use of any medium for advertising;

(2) restricts the person's personal appearance or use of the person's voice in an advertisement;

(3) relates to the size or duration of an advertisement by the person; or

(4) restricts the person's advertisement under a trade name. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.253. FEES.

The board shall set fees in amounts that are reasonable and necessary to cover the cost of administering this chapter. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.254. SEAL.

The board shall have an official seal. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.255. ADOPTION OF PLUMBING CODES.

(a) The board shall adopt the following plumbing codes, as those codes existed on May 31, 2001:

(1) the Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials; and

(2) the International Plumbing Code, as published by the International Code Council.

(b) The board by rule may adopt later editions of the plumbing codes listed in Subsection (a).

(c) Plumbing installed in an area not otherwise subject to regulation under this chapter by a person licensed under this chapter must be installed in accordance with a plumbing code adopted by the board under Subsection (a) or (b).

(d) In adopting a code for the design, installation, and maintenance of a plumbing system under this section, a municipality or an owner of a public water system may amend any provisions of the code to conform to local concerns that do not substantially vary from board rules or other rules of this state.

(e) Plumbing installed in compliance with a code adopted under Subsection (a), (b), or (d) must be inspected by a plumbing inspector. To perform the inspection, the political subdivision may contract with any plumbing inspector or qualified plumbing inspection business, as determined by the political subdivision that is paid directly by the political subdivision. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.306(a), eff. Sept. 1, 2003. Amended by: Acts 2007, 80th Leg., R.S., Ch. 1212 (H.B. 1850), Sec. 1, eff. September 1, 2007.*

Sec. 1301.256. SUBPOENA.

(a) The board may request and, if necessary, compel by subpoena:

(1) the attendance of a witness for examination under oath; and

(2) the production for inspection and copying of records, documents, and other evidence relevant to the investigation of an alleged violation of this chapter.

(b) The board, acting through the attorney general, may bring an action to enforce a subpoena issued under Subsection (a) against a person who fails to comply with the subpoena.

- (c) Venue for an action brought under Subsection (b) is in a district court in:
 - (1) Travis County; or
 - (2) any county in which the board may hold a hearing.
- (d) The court shall order compliance with the subpoena if the court finds that good cause exists to issue the subpoena. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Text of section as added by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.305(b) For text of section as added by Acts 2003, 78th Leg., ch. 819, Sec. 13, see Sec. 1301.258, ante.*

Sec. 1301.258. ADVISORY COMMITTEES.

The board may appoint advisory committees as it considers necessary. An ordinary committee shall serve without compensation or reimbursement and is subject to Section 2110.008, Government Code. *Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.305(b), eff. Sept. 1, 2003. Text of section as added by Acts 2003, 78th Leg., ch. 819, Sec. 13 For text of section as added by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.305(b), see Sec. 1301.258, post.*

Sec. 1301.258. BOARD COMMITTEES.

- (a) The board may create committees to assist the board in exercising its powers and duties.
- (b) The presiding officer of the board shall appoint the members of the committees. Except as provided by Subsection (c), each committee member must be a member of the board.
- (c) The presiding officer may appoint only members of the agency staff to an enforcement committee that reviews complaints and license registration and reviews endorsement applications submitted by applicants who have a criminal conviction history affected by Chapter 53. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 13, eff. Sept. 1, 2003.*

Sec. 1301.259. MEMORANDUM OF UNDERSTANDING.

- (a) The board and the Texas Department of Licensing and Regulation shall enter into a memorandum of understanding to improve services and coordinate the functions of each agency.
- (b) The memorandum of understanding must:
 - (1) require each agency to share:
 - (A) information technology to support the regulation and enforcement of occupational licenses; and
 - (B) information on regulatory practices for licensed occupations, including policy issues that affect the regulation of licensed occupations, standardization of complaint and enforcement techniques, and model licensing techniques;
 - (2) authorize enforcement officers from each agency to check licenses, registrations, or endorsements held by persons practicing occupations regulated by the other agency and report noncompliance to that agency; and
 - (3) state the circumstances when a joint investigation between the board and the Texas Department of Licensing and Regulation is appropriate. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 13, eff. Sept. 1, 2003.*

Sec. 1301.260. POLICY ON TECHNOLOGICAL SOLUTIONS.

The board shall develop and implement a policy requiring the executive director and agency employees to research and propose appropriate technological solutions to improve the agency's ability to perform its functions. The technological solutions must:

- (1) ensure that the public is able to easily find information about the agency on the Internet;
- (2) ensure that persons who want to use the agency's services are able to:
 - (A) interact with the agency through the Internet; and
 - (B) access any service that can be provided effectively through the Internet;
- and
- (3) be cost-effective and developed through the agency's planning processes.

Added by Acts 2003, 78th Leg., ch. 819, Sec. 13, eff. Sept. 1, 2003.

Sec. 1301.261. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION.

- (a) The board shall develop and implement a policy to encourage the use of:
 - (1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of agency rules; and
 - (2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the agency's jurisdiction.
 - (b) The agency's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.
 - (c) The board shall designate a trained person to:
 - (1) coordinate the implementation of the policy adopted under Subsection (a);
 - (2) serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and
 - (3) collect data concerning the effectiveness of those procedures, as implemented by the agency.
- Added by Acts 2003, 78th Leg., ch. 819, Sec. 13, eff. Sept. 1, 2003.*

Sec. 1301.262. PLUMBING INSPECTOR CODE OF CONDUCT.

The board by rule shall establish a code of conduct for licensed plumbing inspectors. The code of conduct shall require a plumbing inspector to enforce this chapter and board rules in a consistent manner across job sites. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 13, eff. Sept. 1, 2003.*

Sec. 1301.263. EXAMINATION ADMINISTRATION AND CONTENT. (a)

The board may adopt, recognize, develop, or contract for an examination required by this chapter, including the administration of the examination.

(b) For each examination required by this chapter, the board shall, to the extent feasible, adopt, recognize, develop, or contract for an examination that includes components that may be administered:

- (1) in writing or online; and**
- (2) by a person other than a plumbing examiner described by Section**

1301.202.

(c) The board shall determine the passing score for an examination required by this chapter.

SUBCHAPTER F. CONSUMER INTEREST INFORMATION AND COMPLAINT PROCEDURES

Sec. 1301.301. CONSUMER INTEREST INFORMATION.

(a) The board shall prepare information of consumer interest describing the regulatory functions of the board and the procedures by which consumer complaints are filed with and resolved by the board.

(b) The board shall make the information available to the public and appropriate state agencies. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.3015. PUBLIC PARTICIPATION.

The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the agency. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 14, eff. Sept. 1, 2003.*

Sec. 1301.302. CONTRACT INFORMATION; REQUIRED DOCUMENTS.

A written proposal, invoice, or contract relating to plumbing services performed by or under the direction of a plumber licensed under this chapter must contain the name and license number of the responsible master plumber and the name, mailing address, and telephone number of the board. The person who performed the services shall 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. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.308(a), eff. Sept. 1, 2003. Amended by: Acts 2009, 81st Leg., R.S., Ch. 804 (S.B. 1410), Sec. 2, eff. September 1, 2009. Acts 2013, 83rd Leg., R.S., Ch. 981 (H.B. 2062), Sec. 3, eff. September 1, 2013.*

Sec. 1301.303. COMPLAINTS.

(a) The board may investigate an alleged violation of this chapter by a person who:

- (1) is licensed under this chapter;
- (2) is the owner of a plumbing company subject to this chapter; or
- (3) performs plumbing without holding a license under this chapter.

(b) The board shall maintain a file on each written complaint filed with the board. The file must include:

- (1) the name of the person who filed the complaint;
- (2) the date the complaint is received by the agency;
- (3) the subject matter of the complaint;
- (4) the name of any municipality and the county in which the conduct that is the subject of the complaint occurred;
- (5) the name of each person contacted in relation to the complaint;
- (6) a summary of the results of the review or investigation of the complaint; and
- (7) an explanation of the reason the file was closed, if the agency closed the file without taking action other than to investigate the complaint.

(c) The agency shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the agency's policies and procedures relating to complaint investigation and resolution.

(d) The board, at least quarterly and until final disposition of the complaint, shall notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

(e) The board by rule shall assign priorities and prescribe investigative procedures for investigations of complaints based on:

- (1) the severity of the conduct alleged in the complaint; ~~and~~
- (2) the degree of harm to public health, safety, or property.

(3) the history of previous violations of this chapter by the person who is the subject of the complaint; and

(4) any other indication of increased risk to public health, safety, or property, as determined by the board.

(f) The board shall maintain information about complaints, including source, type, and geographical area, to identify and address regulatory problem areas and focus enforcement in those areas. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 819, Sec. 15, eff. Sept. 1, 2003. Amended by: Acts 2013, 83rd Leg., R.S., Ch. 981 (H.B. 2062), Sec. 4, eff. September 1, 2013.*

Sec. 1301.304. INVESTIGATION OF COMPLAINTS.

(a) The enforcement committee or an employee designated by the enforcement committee may investigate an alleged violation of this chapter or a board rule that is reported to the board.

(b) The enforcement committee shall determine whether a person has committed the violation and shall recommend appropriate sanctions to the board or, if the enforcement committee determines that the complaint is without merit, dismissal of the complaint.

(c) The board shall conduct joint investigations with the Texas Department of Licensing and Regulation as circumstances require.

(d) Unless a threat to health or safety exists, the board may choose to not investigate a complaint in which the person filing the complaint and the person who is the subject of the complaint are engaged in litigation related to the subject matter of the complaint until the outcome of the litigation is finally determined if the board determines the complaint process is being abused. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 16, eff. Sept. 1, 2003. Amended by: Acts 2011, 82nd Leg., R.S., Ch. 526 (H.B. 2376), Sec. 2, eff. September 1, 2011.*

Sec. 1301.305. PUBLIC ACCESS TO INFORMATION RELATING TO DISCIPLINARY ACTIONS.

(a) The board shall make available to the public through a toll-free telephone number, Internet website, or other easily accessible medium determined by the board the following information relating to a disciplinary action taken regarding a person regulated under this chapter:

(1) the identity of the person;

(2) the nature of the complaint that was the basis of the disciplinary action; and

(3) the disciplinary action taken by the board.

(b) The board may not include the name of the person who filed the complaint in the information made available under Subsection (a).

(c) The board shall present the information made available under Subsection (a) in an impartial manner using commonly understood language.

(d) The board shall regularly update the information made available under this section.

**SUBCHAPTER G. LICENSE, ENDORSEMENT,
AND REGISTRATION REQUIREMENTS****Sec. 1301.351. LICENSE, ENDORSEMENT, OR REGISTRATION REQUIRED.**

(a) A person, other than a responsible master plumber, may not engage in plumbing unless:

(1) the person holds the proper license, registration, or endorsement required by this chapter; and

(2) the person's work is supervised and controlled by a person licensed under this chapter.

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

(a-2) A person that advertises or otherwise offers to perform or provide plumbing must secure the services of a responsible master plumber.

(b) A person may not serve as a plumbing inspector unless the person is licensed under this chapter as a plumbing inspector.

(c) A 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 license holder is not required to provide continuous or uninterrupted on-the-job oversight of the person's work.

(d) A person who holds a license or registration issued under this chapter shall carry the license or registration on his or her person while engaged in plumbing. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 819, Sec. 17, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1276, Sec. 14A.309(b), (c), eff. Sept. 1, 2003. Amended by: Acts 2009, 81st Leg., R.S., Ch. 804 (S.B. 1410), Sec. 3, eff. September 1, 2009. Acts 2013, 83rd Leg., R.S., Ch. 981 (H.B. 2062), Sec. 5, eff. September 1, 2013.*

Sec. 1301.3515. CRIMINAL HISTORY RECORD INFORMATION FOR LICENSE ISSUANCE.

(a) The board shall require that an applicant for a license submit a complete and legible set of fingerprints, on a form prescribed by the board, to the board or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The board may not issue a license to a person who does not comply with the requirement of Subsection (a).

(c) The board shall conduct a criminal history record information check of each applicant for a license using information:

(1) provided by the individual under this section; and

(2) made available to the department by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

(d) The board may:

(1) enter into an agreement with the Department of Public Safety to administer a criminal history record information check required under this section; and

(2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the Department of Public Safety in conducting the criminal history record information check.

Sec. 1301.352. EXAMINATION REQUIRED.

The board shall issue a license or endorsement as a master plumber, journeyman plumber, plumbing inspector, tradesman plumber-limited license holder, medical gas piping installation endorsement holder, water supply protection specialist, or multipurpose residential fire protection sprinkler specialist to a person who demonstrates the fitness, competence, and qualifications to receive the license or endorsement by passing a uniform, reasonable examination. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.310 (a), eff. Sept. 1, 2003. Amended by: Acts 2009, 81st Leg., R.S., Ch. 804 (S.B. 1410), Sec. 4, eff. September 1, 2009.*

Sec. 1301.3521. EXAMINATION FEE REFUND.

- (a) The board shall refund the examination fee paid by an applicant who:
- (1) provides advance notice of the applicant's inability to take the examination;
- or
- (2) is unable to take the examination because of an emergency.
- (b) The board shall adopt rules that establish the required notification period and the emergency situations that warrant a refund. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 18, eff. Sept. 1, 2003.*

Sec. 1301.3522. EXAMINATION REVIEW COURSE.

- (a) The board shall develop a review course in English and Spanish to assist license applicants in preparation for each license examination offered by the board. If the board provides the review course, the board may charge a fee to an applicant who applies to take the review course.
- (b) The board may provide the review course training materials to private course providers for a fee determined by the board. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 18, eff. Sept. 1, 2003.*

Sec. 1301.353. INSPECTOR CONFLICTS PROHIBITED.

The board may not issue a plumbing inspector license to a person who has a financial or advisory interest in a plumbing company. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.354. PLUMBER'S APPRENTICE.

- (a) A person who desires to learn the trade of plumbing must register as a plumber's apprentice before assisting a person licensed under this chapter in the trade of plumbing.
- (b) A person who has worked as a plumber's apprentice for a period established by law or board rule may apply to take an examination for a license as a journeyman plumber or tradesman plumber-limited license holder. Before the applicant may take the examination, the applicant must complete classroom training provided by a board-approved instructor in a board-approved training program in the areas of health and safety, applicable plumbing codes, and water conservation for at least:
- (1) 24 hours if the applicant is applying to take a tradesman plumber-limited license holder examination; or

(2) 48 hours if the applicant is applying to take a journeyman plumber examination.

(b-1) At the applicant's request, the board may credit an applicant under Subsection (b) with a number of hours determined by board rule against the number of hours of work experience required to take an examination if the applicant has received an associate of applied science degree from a plumbing technology program that:

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

(2) is approved by the board and the Texas Higher Education Coordinating Board.

(c) At the applicant's request, the board may credit an applicant under Subsection (b) with up to 500 hours of the work experience required before taking an examination if the applicant has completed the classroom portion of a training program:

(1) ***At the applicant's request, the board may credit an applicant under Subsection (b) with up to 250 hours of the work experience required before taking an examination if the applicant has completed a coherent sequence of courses in the construction trade that are offered through a career and technical education program that is approved by the State Board of Education.***

(d) Notwithstanding the classroom training required by Subsection (b), a plumber's apprentice may 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:

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

(2) is approved by the board and the Texas Higher Education Coordinating Board.

(e) Notwithstanding Subsection (b), a plumber's apprentice who is enrolled in good standing in a training program approved by the United States Department of Labor, Office of Apprenticeship, may take an examination without completing the classroom training required by Subsection (b)(1) or (2). *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.311(a), eff. Sept. 1, 2003. Amended by: Acts 2009, 81st Leg., R.S., Ch. 181 (H.B. 1758), Sec. 1, eff. September 1, 2009. Acts 2009, 81st Leg., R.S., Ch. 1380 (S.B. 1354), Sec. 5, eff. September 1, 2009. Acts 2015, 84th Leg., R.S., Ch. 973 (H.B. 2255), Sec. 4, eff. September 1, 2015. Amended by Acts 2017, 85th Leg., H.B. 3049, eff. September 1, 2017.*

Sec. 1301.3541. APPRENTICE REGISTRATION REQUIREMENTS.

The board by rule may adopt registration requirements for plumber's apprentices, including training and education requirements. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 19, eff. Sept. 1, 2003.*

Sec. 1301.355. EXAMINATION RESULTS.

(a) The board shall notify each examinee of the results of an examination not later than the 30th day after the date the examination is administered.

(b) If requested in writing by a person who fails an examination, the board shall provide to the person an analysis of the person's performance on the examination. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.356. ENDORSEMENT: MEDICAL GAS PIPING INSTALLATION.

(a) A person may not install pipe used solely to transport gas for medical purposes or a vacuum used for medical purposes unless the person:

(1) is licensed under this chapter as a master plumber or journeyman plumber; and

(2) holds an endorsement issued under this section.

(b) A person is eligible to receive a medical gas piping installation endorsement if the person performs satisfactorily on a separate examination related to the endorsement.

(c) An endorsement under this section is valid for three years and may be renewed as provided by board rule.

(d) An endorsement under this section coincides with rules adopted by the Texas Department of Health.

(e) A plumbing inspector who meets the requirements of the board may hold a medical gas endorsement and inspect medical gas piping installations. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.312(a), eff. Sept. 1, 2003. Amended by: Acts 2009, 81st Leg., R.S., Ch. 804 (S.B. 1410), Sec. 5, eff. September 1, 2009.*

Sec. 1301.3565. ENDORSEMENT: MULTIPURPOSE RESIDENTIAL FIRE PROTECTION SPRINKLER SPECIALIST.

(a) A person may not engage in the installation of a multipurpose residential fire protection sprinkler system that uses a single piping system to provide potable water for fire protection sprinklers and for domestic plumbing fixtures and appliances unless the person:

(1) is licensed under this chapter as a master plumber or journeyman plumber; and

(2) holds an endorsement issued under this section.

(a-1) A person may not design a multipurpose residential fire protection sprinkler system for installation under this section unless the person:

(1) is licensed under this chapter as a master plumber; and

(2) holds an endorsement issued under this section.

(b) The board shall issue an endorsement as a multipurpose residential fire protection sprinkler specialist to a person who:

(1) holds the license described by Subsection (a);

(2) applies to the board on a form prescribed by the board;

(3) pays a fee set by the board;

(4) presents evidence satisfactory to the board of successful completion of a training program approved by the board that provides the training necessary for the proper design and installation of a multipurpose residential fire protection sprinkler system as required by the applicable codes and standards recognized by the state; and

(5) passes an examination required by the board.

(c) An endorsement issued under this section is valid until the third anniversary of the date of issuance and may be renewed on compliance with any requirements prescribed by board rule.

(d) A person who holds an endorsement under this section may represent to the public that the person is a multipurpose residential fire protection sprinkler specialist.

(e) Notwithstanding any other law, a person who holds an endorsement under this section is not required to hold a license or registration issued by another state agency in order to install a multipurpose residential fire protection sprinkler system.

(e-1) Notwithstanding any other law, a master plumber who holds an endorsement under this section is not required to hold a license or registration issued by another

state agency in order to design a multipurpose residential fire protection sprinkler system for installation under this section.

(f) A plumbing inspector who meets the requirements of the board may inspect a multipurpose residential fire protection sprinkler installation. *Added by Acts 2009, 81st Leg., R.S., Ch. 804 (S.B. 1410), Sec. 6, eff. September 1, 2009; Subsec. (a) eff. June 1, 2010. Amended by: Acts 2011, 82nd Leg., R.S., Ch. 526 (H.B. 2376), Sec. 3, eff. September 1, 2011.*

Sec. 1301.357. ENDORSEMENT: WATER SUPPLY PROTECTION SPECIALIST.

(a) A person licensed under this chapter may not act as a water supply protection specialist unless the person holds an endorsement issued under this section.

(b) The board shall issue an endorsement as a water supply protection specialist to a person who:

- (1) is licensed under this chapter as a master plumber or journeyman plumber;
- (2) applies to the board on a form prescribed by the board;
- (3) pays a fee set by the board;
- (4) presents evidence satisfactory to the board of successful completion of a certification program approved by the board for water supply protection specialists; and
- (5) passes an examination required by the board.

(c) An endorsement issued under this section is valid until the third anniversary of the date of issuance and may be renewed on compliance with any requirements prescribed by board rule.

(d) A person who holds an endorsement under this section may represent to the public that the person is a water supply protection specialist.

(e) A person is not required to hold a water supply protection specialist endorsement if the person is employed by:

- (1) a political subdivision; or
- (2) an electric utility as defined by Section 31.002, Utilities Code. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by: Acts 2013, 83rd Leg., R.S., Ch. 981 (H.B. 2062), Sec. 6, eff. September 1, 2013.*

Sec. 1301.3575. REGISTRATION OF CERTAIN PERSONS.

The board shall register a person who complies with this chapter as a drain cleaner, drain cleaner-restricted registrant, residential utilities installer, or plumber's apprentice. *Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.305(c), eff. Sept. 1, 2003.*

Sec. 1301.3576. CERTIFICATE OF INSURANCE ~~AND TRAINING~~ FOR RESPONSIBLE MASTER PLUMBER.

Before a master plumber works as a responsible master plumber, the master plumber must:

(1) provide the board with a certificate of insurance that meets the requirements of Section 1301.552; and

~~(2) present evidence satisfactory to the board of successful completion of a training program approved or administered by the board regarding the laws and rules applicable to the operation of a plumbing business in this state.~~ *Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.315(a), eff. Sept. 1, 2003. Amended by: Acts 2009, 81st Leg., R.S., Ch. 804 (S.B. 1410), Sec. 7, eff. September 1, 2009. Acts 2011, 82nd Leg., R.S., Ch. 526 (H.B. 2376), Sec. 4, eff. September 1, 2011.*

Sec. 1301.358. OUT-OF-STATE APPLICANTS; PROVISIONAL LICENSE.

(a) The board may waive any prerequisite to obtaining a license for an applicant after reviewing the applicant's credentials and determining that the applicant holds a license issued by another jurisdiction that has licensing requirements substantially equivalent to those of this state.

(b) The board may issue a provisional license to an applicant currently licensed in another jurisdiction who seeks a license in this state and who:

(1) has been licensed in good standing as a plumber for at least two years in another jurisdiction, including a foreign country, that has licensing requirements substantially equivalent to the requirements of this chapter;

(2) has passed a national or other examination recognized by the board relating to the practice of plumbing; and

(3) is sponsored by a person licensed by the board under this chapter with whom the provisional license holder will practice during the time the person holds a provisional license.

(c) The board may waive the requirement of Subsection (b)(3) for an applicant if the board determines that compliance with that subdivision would be a hardship to the applicant.

(d) A provisional license is valid until the date the board approves or denies the provisional license holder's application for a license. The board shall issue a license under this chapter to the provisional license holder if:

(1) the provisional license holder is eligible to be licensed under Subsection (a); or

(2) the provisional license holder passes the part of the examination under Section 1301.352 that relates to the applicant's knowledge and understanding of the laws and rules relating to the practice of plumbing in this state and:

(A) the board verifies that the provisional license holder meets the academic and experience requirements for a license under this chapter; and

(B) the provisional license holder satisfies any other licensing requirements under this chapter.

(e) The board must approve or deny a provisional license holder's application for a license not later than the 180th day after the date the provisional license is issued. The board may extend the 180-day period if the results of an examination have not been received by the board before the end of that period.

(f) The board may establish a fee for provisional licenses in an amount reasonable and necessary to cover the cost of issuing the license. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 819, Sec. 20, eff. Sept. 1, 2003.*

Sec. 1301.3585. LICENSE ELIGIBILITY REQUIREMENTS FOR APPLICANTS WITH MILITARY EXPERIENCE.

(a) Notwithstanding any other law, the board shall credit verified military service, training, or education toward the licensing requirements, other than examination requirements, for a license issued under this chapter by the board.

(b) The board shall expedite the issuance of a provisional license or a license by endorsement or reciprocity under this chapter to an applicant who:

(1) has verified military experience; and

(2) holds a current license issued by another jurisdiction that has license requirements that are substantially equivalent to the license requirements of this state.

(c) The board shall adopt rules necessary to implement this section. *Added by Acts 2013, 83rd Leg., R.S., Ch. 976 (H.B. 2028), Sec. 1, eff. June 14, 2013.*

Sec. 1301.359. STATEWIDE VALIDITY OF LICENSE, ENDORSEMENT, OR REGISTRATION; NONTRANSFERABILITY.

(a) A license, endorsement, or registration issued under this chapter is valid throughout this state.

(b) Except as provided by Section 1301.406, the number of a license, endorsement, or registration issued under this chapter is not assignable or transferable. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.307(a), eff. Sept. 1, 2003. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1074 (H.B. 2464), Sec. 1, eff. September 1, 2015. Amended by Acts 2017 85th Leg., H.B. 2095, eff. September 1, 2017.*

Sec. 1301.360. TEMPORARY LICENSE.

(a) The board by rule may provide for the issuance of a temporary license to an applicant who:

- (1) submits to the board an application on a form prescribed by the board;**
- (2) meets preliminary qualifications established by board rule; and**
- (3) pays a fee set by the board.**

(b) A temporary license issued under this section expires on the 30th day after the date of issuance and may not be renewed.

(c) A temporary license holder is subject to:

- (1) this chapter;**
- (2) any law applicable to the activity for which the license is required, including municipal rules, orders, or ordinances; and**
- (3) any rule of the board applicable to the license.**

**SUBCHAPTER H. LICENSE, ENDORSEMENT, AND REGISTRATION
EXPIRATION AND RENEWAL**

Sec. 1301.401. ANNUAL RENEWAL REQUIRED.

(a) A license, ~~or registration,~~ **or endorsement** under this chapter is valid for one year. On payment of the required fee, a license, **registration, or endorsement** may be renewed annually.

(b) The board by rule may adopt a system under which licenses, endorsements, and registrations expire on various dates during the year.

(c) An endorsement issued under Section 1301.356, 1301.3565, or 1301.357 expires on the date the master plumber or journeyman plumber license of the endorsement holder expires. The board shall adopt rules to provide for the license holder to renew the endorsement in the same transaction as the license if the license holder:

(1) has completed any continuing education requirement established by rule and applicable to the endorsement;

and

(2) complies with other requirements prescribed by board rule.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.307(c), eff. Sept. 1, 2003.

Sec. 1301.402. NOTICE OF LICENSE, ENDORSEMENT, OR REGISTRATION EXPIRATION.

- (a) Not later than the 31st day before the expiration date of a person's license, endorsement, or registration, the board shall send written notice of the impending expiration to the person at the person's last known address according to board records.
- (b) The person shall notify the board not later than the 30th day after the date of receipt of the written notice of any change of name or address. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.307(c), eff. Sept. 1, 2003.*

Sec. 1301.403. PROCEDURE FOR RENEWAL.

- (a) A person who is otherwise eligible to renew a license, endorsement, or registration may renew an unexpired license, endorsement, or registration by paying the required renewal fee to the agency before the expiration date of the license, endorsement, or registration. A person whose license, endorsement, or registration has expired may not engage in activities that require a license, endorsement, or registration until the license, endorsement, or registration has been renewed.
- (b) A person whose license or endorsement has been expired for 90 days or less may renew the license or endorsement by paying to the agency a renewal fee that is equal to 1-1/2 times the normally required renewal fee. A person whose registration has been expired for 90 days or less may renew the registration by paying to the board a renewal fee that is equal to 1-1/2 times the normally required renewal fee.
- (c) A person whose license or endorsement has been expired for more than 90 days but less than two years may renew the license or endorsement by paying to the agency a renewal fee that is equal to two times the normally required renewal fee. A person whose registration has been expired for more than 90 days but less than two years may renew the registration by paying to the board a renewal fee that is equal to two times the normally required renewal fee.
- (d) A person whose license, endorsement, or registration has been expired for two years or more may not renew the license, endorsement, or registration. The person may obtain a new license, endorsement, or registration by complying with the requirements and procedures, including the examination requirements, for obtaining an original license, endorsement, or registration.
- (e) A person who held a license, endorsement, or registration in this state, moved to another state, and is currently holding a license, endorsement, or registration and has been in practice in the other state for the two years preceding the date of application may obtain a new license, endorsement, or registration without reexamination. The person must pay to the agency a fee that is equal to two times the normally required renewal fee for the license, endorsement, or registration.
- (f) Not later than the 30th day before the date a person's license, endorsement, or registration is scheduled to expire, the agency shall send written notice of the impending expiration to the person at the person's last known address according to the records of the agency. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 819, Sec. 21(a), eff. Sept. 1, 2003.*

Sec. 1301.404. MANDATORY CONTINUING PROFESSIONAL EDUCATION.

- (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).

(b) A person who holds a license or endorsement under this chapter must complete at least six hours of continuing professional education **annually** ~~each year the person holds the license or endorsement~~ to renew the person's license or endorsement. Three of the six hours must be in the subjects of health protection, energy conservation, and water conservation.

(c) The **executive director 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) ~~board 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 executive director** ~~provided:~~

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

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

(e) A person may complete the continuing professional education requirement of this section through a correspondence course as approved by the **executive director** ~~board.~~

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A. 305(d), eff. Sept. 1, 2003.

Sec. 1301.405. MANDATORY TRAINING FOR DRAIN CLEANER, DRAIN CLEANER-RESTRICTED REGISTRANT, AND RESIDENTIAL UTILITIES INSTALLER.

(a-1) The board by rule shall establish:

(1) minimum curriculum standards for a training program described by Subsection (a) for persons who hold a registration under this chapter; and

(2) minimum qualifications for an instructor of the training program.

(a-2) The executive director shall approve:

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

(2) an instructor who meets the minimum qualifications established by the board under Subsection (a-1).

(b) A person may receive credit for participating in a training program only if the program is ~~provided:~~

~~(1) by a person approved by the executive director board; and~~

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

(c) The board by rule may exempt certain persons from the requirements of this section if the board determines that the exemption is in the public interest. *Added by Acts 2009, 81st Leg., R.S., Ch. 1380 (S.B. 1354), Sec. 6, eff. September 1, 2009.*

Sec. 1301.4055. PERIOD FOR COMPLETING CONTINUING EDUCATION.
The board shall adopt rules to ensure that each holder of a license, registration, or endorsement has at least 12 months to complete any continuing education required for the renewal of the license, registration, or endorsement.

Sec. 1301.406. TRANSFER OF LICENSE NUMBER.

(a) On approval by the board, a person who holds an unexpired license under this chapter and whose license **number** has been held continuously for at least **35** consecutive years may transfer the license on the date of the person's retirement or death to another person who:

(1) is related within the second degree by consanguinity to the transferor; and

(2) holds a license ~~issued as a journeyman plumber or master plumber~~ under this chapter **that is the same type of license as the license held by the transferor.**

(b) The application for a ~~license~~ transfer **of a license number** under this section must include the transferor's consent and a designation of whether the license **number** will transfer on the retirement or death of the transferor.

(c) The board shall transfer a license **number** to a person who submits an application and presents evidence satisfactory to the board that:

(1) the person meets the requirements under Subsections (a)(1) and (a)(2); and

(2) the transferor is retired or dead. *Added by Acts 2015, 84th Leg., R.S., Ch. 1074 (H.B. 2464), Sec. 2, eff. September 1, 2015. Amended by Acts 2017 85th Leg., H.B. 2095, eff. September 1, 2017.*

SUBCHAPTER I. DISCIPLINARY PROCEDURES

Sec. 1301.451. DISCIPLINARY POWERS OF BOARD.

(a) The board shall revoke, suspend, deny, or refuse to renew a license, endorsement, or registration or shall reprimand a holder of a license, endorsement, or registration for a violation of this chapter, an order issued by the board, or a rule of the board.

(b) A person whose license, endorsement, or registration has been revoked may not apply for a new license, endorsement, or registration before the first anniversary of the date of revocation.

(c) The board may place on probation a person whose license, endorsement, or registration is suspended. If a license, endorsement, or registration suspension is probated, the board may require the person:

(1) to report regularly to the agency on matters that are the basis of the probation;

(2) to limit practice to the areas prescribed by the board; or

(3) to continue or review professional education until the person attains a degree of skill satisfactory to the board in those areas that are the basis of the probation.

(d) The board by rule shall:

(1) adopt written guidelines to ensure that probation is administered consistently; and

(2) develop a system to track compliance with the probation requirements. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 819, Sec. 22(a), eff. Sept. 1, 2003. Amended by: Acts 2009, 81st Leg., R.S., Ch. 804 (S.B. 1410), Sec. 8, eff. September 1, 2009.*

Sec. 1301.452. GROUNDS FOR DISCIPLINARY ACTION.

(a) A person is subject to disciplinary action under Section 1301.451 if the person violates this chapter, an order issued by the board, or a board rule. A violation of this chapter includes:

(1) **attempting to obtain or** obtaining a license, endorsement, or registration through ~~error or~~ fraud;

(2) wilfully, negligently, or arbitrarily violating a municipal rule or ordinance that regulates sanitation, drainage, or plumbing;

(3) making a misrepresentation of services provided or to be provided;

(4) making a false promise with the intent to induce a person to contract for a service; ~~or~~

(5) employing a person who does not hold a license or endorsement or who is not registered to engage in an activity for which a license, endorsement, or registration is required under this chapter;

(6) performing plumbing without holding the proper license, endorsement, or registration required by this chapter; or

(7) performing plumbing in violation of a plumbing code adopted under Section 1301.255.

(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. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.313(a), eff. Sept. 1, 2003. Amended by: Acts 2009, 81st Leg., R.S., Ch. 804 (S.B. 1410), Sec. 9, eff. September 1, 2009.*

Sec. 1301.4521. CONSEQUENCES OF CRIMINAL CONVICTION.

(a) The board shall adopt rules in compliance with the guidelines authorized by Chapter 53 relating to criminal convictions.

(b) The board shall adopt a method to review the agency's compliance with Chapter 53 and the rules adopted under this section. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 23, eff. Sept. 1, 2003.*

Sec. 1301.4522. REVIEW OF APPLICATION.

(a) The enforcement committee may approve, without board approval, the application for a license, endorsement, or registration of a person who has a criminal conviction if the enforcement committee finds that the criminal conviction does not directly relate to the duties and responsibilities of the business of plumbing in accordance with the rules adopted by the board under Section 1301.4521.

(b) If the enforcement committee determines that a person is ineligible for a license, endorsement, or registration based on the person's criminal conviction, the person may request a hearing before an administrative law judge of the State Office of Administrative Hearings to review the enforcement committee's determination.

(c) After receipt of the administrative law judge's proposed findings of fact and conclusions of law, the board shall determine the applicant's eligibility. The board shall provide an applicant who is denied a license a written statement containing the reasons for the board's action.

(d) An applicant who has a criminal conviction may appear before the board or the enforcement committee to present information relating to the applicant's criminal conviction. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 23, eff. Sept. 1, 2003.*

Sec. 1301.453. HEARING.

A person is entitled to a hearing before the board if the board proposes to:

(1) deny the person's application for a license, endorsement, or registration; or

(2) suspend or revoke the person's license, endorsement, or registration. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.313(a), eff. Sept. 1, 2003.*

Sec. 1301.454. ADMINISTRATIVE PROCEDURE.

A proceeding under this subchapter is a contested case for purposes of Chapter 2001, Government Code. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

SUBCHAPTER J. OTHER PENALTIES AND ENFORCEMENT PROVISIONS

Sec. 1301.501. BACKFLOW PREVENTION.

(a) A person may not sell, donate, or transfer a water closet plumbing fixture or other equipment that uses water if the fixture or equipment:

- (1) does not comply with a state-approved plumbing code; and
- (2) may permit the backflow of a nonpotable substance into a potable water supply.

(b) The board shall adopt rules under this section that include a list describing the types of plumbing to which this section applies. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.502. CITATION.

(a) A field representative, water district plumbing inspector, or, within the jurisdiction of the municipality, municipal plumbing inspector may issue a citation to a person who engages in conduct described by Section 1301.508.

(b) The board shall adopt guidelines relating to the circumstances when a field representative may issue a citation. The guidelines must encourage the use of other enforcement measures, including imposition of administrative penalties, before the issuance of a citation. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 819, Sec. 24, eff. Sept. 1, 2003.*

Sec. 1301.503. ENFORCEMENT BY PLUMBING INSPECTOR.

Each plumbing inspector shall enforce this chapter. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.314(a), eff. Sept. 1, 2003.*

Sec. 1301.504. INJUNCTION.

(a) In addition to any other action authorized by law, the board may bring an action in the board's name to enjoin a person from violating this chapter or a board rule.

(b) To sustain an action under this section, the board is not required to allege or prove that:

- (1) an adequate remedy at law does not exist; or
- (2) substantial or irreparable damage would result from the continued violation.

(c) Any party to an action under this section may appeal.

(d) Venue for an action brought under this section is in a district court in Travis County. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by: Acts 2009, 81st Leg., R.S., Ch. 804 (S.B. 1410), Sec. 10, eff. September 1, 2009.*

Sec. 1301.5045. CEASE AND DESIST ORDER.

(a) The executive director may issue a cease and desist order as necessary to enforce

this chapter if the executive director determines that the action is necessary to prevent a violation of this chapter and to protect public health and safety.

(b) A violation of an order under this section constitutes grounds for imposing an administrative penalty under Subchapter N. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 25, eff. Sept. 1, 2003. Amended by: Acts 2009, 81st Leg., R.S., Ch. 804 (S.B. 1410), Sec. 11, eff. September 1, 2009.*

Sec. 1301.505. REPRESENTATION BY ATTORNEY GENERAL.

The attorney general shall represent the board in an action to enforce this chapter. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.506. APPEAL BOND NOT REQUIRED.

The board is not required to post an appeal bond in an action arising under this chapter. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.507. CIVIL PENALTY.

A person who violates this chapter or a rule, permit, or order of the board is subject to a civil penalty of not less than \$50 or more than \$1,000 for each act of violation and for each day of violation after notice is provided to the person. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.*

Sec. 1301.5071. INFORMAL SETTLEMENT CONFERENCE; RESTITUTION.

(a) The board by rule shall establish procedures under which an informal settlement conference is conducted to resolve a complaint against a person licensed under this chapter. **The procedures established under Subsection (a) must:**

(1) identify the types of complaints for which an informal settlement conference may be used; and

(2) require appropriate documentation of each informal settlement conference that is conducted, including the outcome of the conference.

(b) Subject to Subsection (c), the board may order a person licensed under this chapter to pay restitution to a person as provided in an agreement resulting from an informal settlement conference instead of or in addition to assessing an administrative penalty under Subchapter N.

(c) The amount of restitution ordered as provided by an agreement resulting from an informal settlement conference may not exceed the amount the person paid to the license holder for a service regulated by this chapter. The board may not require payment of other damages or estimate harm in a restitution order. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 25, eff. Sept. 1, 2003.*

Sec. 1301.508. CRIMINAL PENALTY.

(a) A person commits an offense if the person:

(1) violates this chapter or a rule adopted under this chapter;

(2) does not hold a license or endorsement or is not registered under this chapter and engages in an activity for which a license, endorsement, or registration is required; or

(3) employs a person who does not hold a license or endorsement or who is not registered to engage in an activity for which a license, endorsement, or registration is required under this chapter.

(b) An offense under this section is a Class C misdemeanor. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.313(b), eff. Sept. 1, 2003.*

SUBCHAPTER K. REGULATION BY CERTAIN POLITICAL SUBDIVISIONS**Sec. 1301.551. MUNICIPAL PLUMBING ORDINANCES AND PERMITS.**

(a) A municipality with more than 5,000 inhabitants shall regulate by ordinance or bylaw the material, construction, alteration, and inspection of any pipe, faucet, tank, valve, water heater, or other fixture by or through which a supply of water, gas, or sewage is used or carried.

(b) Any other municipality may regulate by ordinance or bylaw the matters described by Subsection (a).

(c) A municipality that adopts an ordinance or bylaw under this section shall provide by ordinance or bylaw that a person must 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. The municipality may prescribe the terms on which the permit is issued.

(d) A plumbing inspection in a municipality that adopts an ordinance or bylaw under this section must be performed by a plumbing inspector.

(e) A municipality or other political subdivision in this state that requires a plumbing contractor to obtain a permit before the person performs plumbing shall by telephone, fax, or e-mail:

- (1) accept permit applications;
- (2) collect required fees; and
- (3) issue the required permits.

(f) If drawings of proposed plumbing work are required by the municipality or other political subdivision, the municipality or political subdivision shall specify how permit drawings are to be submitted.

(g) 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.

(h) A plumbing contractor must register, electronically or in person, with a municipality or other political subdivision that requires registration before performing plumbing regulated by the municipality or other political subdivision.

(i) Notwithstanding any other provision of state law, after January 1, 2009, a municipality may not enact an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one- or two-family dwelling. A municipality may adopt an ordinance, bylaw, order, or rule allowing a multipurpose residential fire protection sprinkler specialist or other contractor to offer, for a fee, the installation of a fire sprinkler protection system in a new one- or two-family dwelling.

(j) A multipurpose residential fire protection sprinkler specialist may install a multipurpose residential fire protection sprinkler system in a new or existing one- or two-family dwelling in a municipality described by Subsection (a) or (b). *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.315(b), eff. Sept. 1, 2003. Amended by: Acts 2009, 81st Leg., R.S., Ch. 804 (S.B. 1410), Sec. 12, eff. September 1, 2009. Acts 2009, 81st Leg., R.S., Ch. 1380 (S.B. 1354), Sec. 7, eff. September 1, 2009. Acts 2011, 82nd Leg., R.S., Ch.*

91 (S.B. 1303), Sec. 27.001(46), eff. September 1, 2011. Acts 2013, 83rd Leg., R.S., Ch. 981 (H.B. 2062), Sec. 7, eff. September 1, 2013.

Sec. 1301.552. CERTIFICATE OF INSURANCE FOR PLUMBING PERMIT IN POLITICAL SUBDIVISION.

A political subdivision that requires a responsible master plumber to obtain a permit before performing plumbing in the political subdivision shall verify through the board's Internet website, or by contacting the board by telephone, that the responsible master plumber has on file with the board a certificate of insurance. The certificate of insurance must:

(1) be written by an insurer authorized to engage in the business of insurance in this state or an eligible surplus lines insurer, as defined by Section 981.002, Insurance Code;

(2) provide for commercial general liability insurance for the responsible master plumber for a claim for property damage or bodily injury, regardless of whether the claim arises from negligence or on a contract; and

(3) provide coverage of not less than \$300,000 for all claims arising in a one-year period. *Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003. Amended by: Acts 2009, 81st Leg., R.S., Ch. 1380 (S.B. 1354), Sec. 8, eff. September 1, 2009. Added by Acts 2011, 82nd Leg., R.S., Ch. 526 (H.B. 2376), Sec. 5, eff. September 1, 2011.*

Sec. 1301.553. PLUMBING INSPECTIONS IN MUNICIPALITY THAT OVERLAPS ANOTHER POLITICAL SUBDIVISION.

If the boundaries of a municipality and another political subdivision overlap, only the affected municipality may perform a plumbing inspection and collect a permit fee. *Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.315(c), eff. Sept. 1, 2003. Amended by: Acts 2009, 81st Leg., R.S., Ch. 1380 (S.B. 1354), Sec. 8, eff. September 1, 2009.*

SUBCHAPTER M. INTERAGENCY COOPERATION AND REGULATION

Sec. 1301.651. DEFINITION.

In this subchapter, "local workforce development board" means a board created under Subchapter F, Chapter 2308, Government Code. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 26, eff. Sept. 1, 2003.*

Sec. 1301.652. PUBLIC EDUCATION EFFORT.

(a) The board and the Texas Workforce Commission shall, through the local workforce development boards, coordinate efforts to educate the public about the plumbing profession and the resources available to employers for the recruitment and training of plumbers, including providing:

(1) each local workforce development board with:

(A) information about the licensing requirements for the plumbing profession; and

(B) available statistical data regarding plumbing; and

(2) a link to each agency's Internet site and to the Internet sites of other local workforce development boards.

(b) The board may, during public and industry awareness seminars, raise awareness of the career ladder in the plumbing industry and the opportunities that plumbing apprenticeships offer.

(c) This section applies to the extent that the plumbing profession is designated as an occupation in demand by a local workforce development board. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 26, eff. Sept. 1, 2003.*

SUBCHAPTER N. ADMINISTRATIVE PENALTY

Sec. 1301.701. IMPOSITION OF PENALTY.

The board may impose an administrative penalty on a person who violates this chapter or a rule or order adopted under this chapter. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 26, eff. Sept. 1, 2003.*

Sec. 1301.702. AMOUNT OF PENALTY.

(a) The amount of an administrative penalty may not exceed \$5,000 for each violation. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(b) The amount of the penalty shall be based on:

(1) the seriousness of the violation, including:

(A) the nature, circumstance, extent, and gravity of any prohibited act; and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the economic harm to property or the environment caused by the violation;

(3) the history of previous violations;

(4) the amount necessary to deter a future violation;

(5) efforts made to correct the violation; and

(6) any other matter that justice may require.

(c) The board by rule or through procedures adopted by the board and published in the Texas Register shall develop a standardized penalty schedule based on the criteria listed in Subsection (b). *Added by Acts 2003, 78th Leg., ch. 819, Sec. 26, eff. Sept. 1, 2003.*

Sec. 1301.703. REPORT AND NOTICE OF VIOLATION AND PENALTY.

(a) If the enforcement committee determines that a violation occurred, the enforcement committee may issue to the board a report stating:

(1) the facts on which the determination is based; and

(2) the committee's recommendation on the imposition of the penalty, including a recommendation on the amount of the penalty.

(b) Not later than the 14th day after the date the report is issued, the enforcement committee shall give written notice of the report to the person.

(c) The notice must:

(1) include a brief summary of the alleged violation;

(2) state the amount of the recommended penalty; and

(3) inform the person of the person's right to a hearing on the occurrence of the violation, the amount of the penalty, or both. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 26, eff. Sept. 1, 2003.*

Sec. 1301.704. PENALTY TO BE PAID OR HEARING REQUESTED.

(a) Not later than the 20th day after the date the person receives the notice, the person in writing may:

(1) accept the determination and recommended penalty of the enforcement committee; or

(2) make a request for a hearing on the occurrence of the violation, the amount of the penalty, or both.

(b) If the person accepts the determination and recommended penalty of the enforcement committee, the board by order shall approve the determination and impose the recommended penalty.

(c) Failure to request a hearing or accept the determination and recommended penalty within the time provided by this section waives the right to a hearing under this chapter.

(d) If the board determines without a hearing that the person committed a violation and a penalty is to be imposed, the board shall:

**(1) provide written notice to the person of the board's findings;
and**

(2) enter an order requiring the person to pay the recommended penalty.

Added by Acts 2003, 78th Leg., ch. 819, Sec. 26, eff. Sept. 1, 2003. Amended by Acts 2017, 85th Leg., S.B. 2065, eff. September 1, 2017.

Sec. 1301.705. HEARING.

(a) If the person requests a hearing or fails to respond in a timely manner to the notice, the enforcement committee shall set a hearing and give written notice of the hearing to the person. An administrative law judge of the State Office of Administrative Hearings shall hold the hearing.

(b) The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the board a proposal for a decision about the occurrence of the violation and the amount of a proposed penalty. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 26, eff. Sept. 1, 2003. Amended by Acts 2017, 85th Leg., S.B. 2065, eff. September 1, 2017.*

Sec. 1301.706. DECISION BY BOARD.

(a) Based on the findings of fact, conclusions of law, and proposal for a decision, the board by order may:

- (1) find that a violation occurred and impose a penalty; or
- (2) find that a violation did not occur.

(b) The notice of the board's order given to the person must include a statement of the right of the person to judicial review of the order. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 26, eff. Sept. 1, 2003.*

Sec. 1301.707. OPTIONS FOLLOWING DECISION: PAY OR APPEAL.

(a) Not later than the 30th day after the date the board's order becomes final, the person shall:

- (1) pay the penalty; or
- (2) file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both.

(b) Failure by the person to pay the penalty is grounds for the board to refuse to renew the person's license or registration and to refuse to issue a new license or registration to the person. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 26, eff. Sept. 1, 2003. Amended by Acts 2009, 81st Leg., R.S., Ch. 804 (S.B. 1410), Sec. 13, eff. September 1, 2009.*

Sec. 1301.708. STAY OF ENFORCEMENT OF PENALTY.

(a) Within the 30-day period prescribed by Section 1301.707, a person who files a petition for judicial review may:

- (1) stay enforcement of the penalty by:
 - (A) paying the penalty to the court for placement in an escrow account; or
 - (B) giving the court a supersedeas bond approved by the court that:
 - (i) is for the amount of the penalty; and
 - (ii) is effective until all judicial review of the board's order is final; or
- (2) request the court to stay enforcement of the penalty by:
 - (A) filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the penalty and is financially unable to give the supersedeas bond; and
 - (B) sending a copy of the affidavit to the enforcement committee by certified mail.

(b) If the enforcement committee receives a copy of an affidavit under Subsection (a)(2), the executive director may file with the court, not later than the fifth day after the date the copy is received, a contest to the affidavit.

(c) The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. The person who files an affidavit has the burden of proving that the person is financially unable to pay the penalty and to give a supersedeas bond. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 26, eff. Sept. 1, 2003.*

Sec. 1301.709. DECISION BY COURT.

(a) If the court sustains the finding that a violation occurred, the court may uphold or reduce the amount of the penalty and order the person to pay the full or reduced amount of the penalty.

(b) If the court does not sustain the finding that a violation occurred, the court shall order that a penalty is not owed. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 26, eff. Sept. 1, 2003.*

Sec. 1301.710. REMITTANCE OF PENALTY AND INTEREST.

(a) If the person paid the penalty and if the amount of the penalty is reduced or the penalty is not upheld by the court, the court shall order, when the court's judgment becomes final, that the appropriate amount plus accrued interest be remitted to the person.

(b) The interest accrues at the rate charged on loans to depository institutions by the New York Federal Reserve Bank.

(c) The interest shall be paid for the period beginning on the date the penalty is paid and ending on the date the penalty is remitted. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 26, eff. Sept. 1, 2003.*

Sec. 1301.711. RELEASE OF BOND.

(a) If the person gave a supersedeas bond and the penalty is not upheld by the court, the court shall order, when the court's judgment becomes final, the release of the bond.

(b) If the person gave a supersedeas bond and the amount of the penalty is reduced, the court shall order the release of the bond after the person pays the reduced amount. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 26, eff. Sept. 1, 2003.*

Sec. 1301.712. COLLECTION OF PENALTY.

- (a) If the person does not pay the penalty and the enforcement of the penalty is not stayed, the penalty may be collected.
- (b) The attorney general may sue to collect the penalty. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 26, eff. Sept. 1, 2003.*

Sec. 1301.713. ADMINISTRATIVE PROCEDURE.

A proceeding to impose the penalty is considered to be a contested case under Chapter 2001, Government Code. *Added by Acts 2003, 78th Leg., ch. 819, Sec. 26, eff. Sept. 1, 2003.*

SECTION 18. The following provisions of the Occupations Code are repealed:

- (1) Section 1301.356(c);
- (2) Section 1301.3565(c);
- (3) Section 1301.357(c);
- (4) Section 1301.403(f); and
- (5) Section 1301.505.

SECTION 19. (a) Not later than:

(1) September 1, 2023, the Texas State Board of Plumbing Examiners shall obtain criminal history record information using a person's name, date of birth, and other alphanumeric identifiers on each person who:

(A) on September 1, 2021, holds a license issued under Chapter 1301, Occupations Code; and

(B) did not undergo a criminal history record information check based on the person's name or fingerprints on submission of the person's initial license application; and

(2) September 1, 2025, the Texas State Board of Plumbing Examiners shall obtain criminal history record information using a person's fingerprints on each person who:

(A) on September 1, 2021, holds a license issued under Chapter 1301, Occupations Code; and

(B) did not undergo a criminal history record information check based on the person's fingerprints on submission of the person's initial license application.

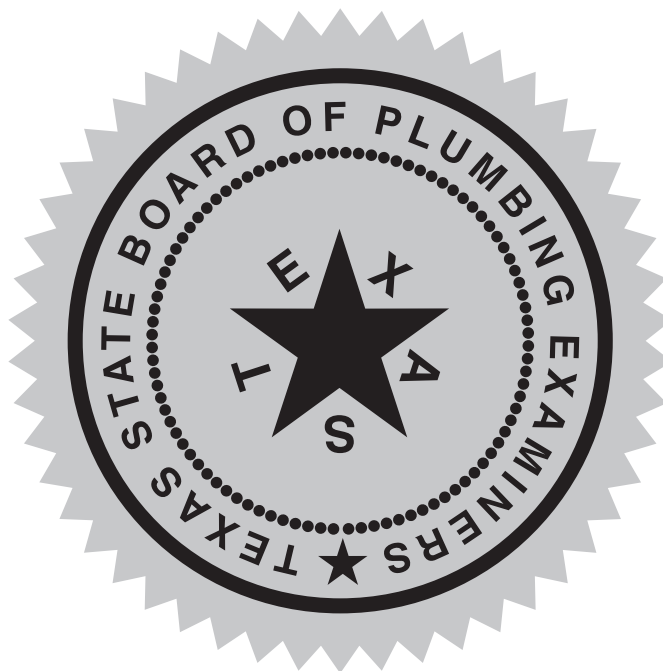
(b) The Texas State Board of Plumbing Examiners may suspend the license of a person who holds a license under Chapter 1301, Occupations Code, who does not comply with a request by the board to provide information or fingerprints, in a form and manner prescribed by the board, that would enable the board to obtain criminal history record information as required by this section.

SECTION 20. Notwithstanding Section 1301.003, Occupations Code, it is the intent of the legislature in enacting this Act to amend Chapter 1301, Occupations Code, as that chapter was continued in existence by Executive Order No. GA-06.

SECTION 21. As soon as practicable after the effective date of this Act, the board shall adopt rules necessary to implement the changes in law made by this Act to Chapter 1301, Occupations Code.

SECTION 22. The change in law made by this Act to Section 1301.452, Occupations Code, applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before that date is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 23. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.



Board Rules as of June 20, 2019

Texas State Board of Plumbing Examiners
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TEXAS STATE BOARD OF PLUMBING EXAMINERS BOARD RULES

June 20, 2019

Note: This publication has been formatted for easy reading; it is not the official publication of the Board's rules. The official publication of the Board's rules is in the Texas Administrative Code, available online at:

[http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=3&ti=22&pt=17](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=3&ti=22&pt=17)

TABLE OF CONTENTS

	Page
Chapter 361 Administration.....	60
Sec. 361.1 Definitions	60
Sec. 361.2 Purpose	67
Sec. 361.3 Scope	67
Sec. 361.4 The Board	67
Sec. 361.5 Administration	67
Sec. 361.6 Fees	67
Sec. 361.7 Employee Training and Education	71
Sec. 361.8 Forms and Materials	72
Sec. 361.10 Historically Underutilized Business (HUB) Program	72
Sec. 361.11 State Vehicle Management	72
Sec. 361.12 Advisory Committees	73
Sec. 361.13 Board Committees and Enforcement Committee	73
Sec. 361.14 Petition for Adoption of Rules	74
Sec. 361.15 Election of Board Officers	74
 Chapter 363 Examination and Registration	 74
Sec. 363.1 Definitions	75
Sec. 363.2 General Qualifications	75
Sec. 363.3 Qualifications for Applicants with Military Experience	77
Sec. 363.4 Master Plumber License	77
Sec. 363.5 Journeyman Plumber License	77
Sec. 363.6 Tradesman Plumber-Limited License	82
Sec. 363.7 Plumber's Apprentice Registration	83
Sec. 363.8 Plumbing Inspector License	83
Sec. 363.9 Medical Gas Piping Installation Endorsement	84
Sec. 363.10 Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement	84
Sec. 363.11 Water Supply Protection Specialist Endorsement	86
Sec. 363.12 Residential Utilities Installer Registration	86
Sec. 363.13 Drain Cleaner Registration	87
Sec. 363.14 Drain Cleaner-Restricted Registration	87
Sec. 363.15 Consequences to an Applicants with Criminal Convictions	87
Sec. 363.16 Examination Schedule	89
Sec. 363.17 Reporting for Examination	89
Sec. 363.18 Description of Examination	90
Sec. 363.19 Non-Standard Examination Accommodations	90
Sec. 363.20 Test Score Requirements	91
Sec. 363.21 Notification	91
Sec. 363.22 Reexamination	91
Sec. 363.23 Disqualification	91

Sec. 363.24	Providers and Instructors of Endorsement Training Programs	91
Sec. 363.25	Providers and Instructors of Training Programs for Journeyman Plumber and Tradesman Plumber-Limited License Applicants.....	93
Sec. 363.26	Training Program for Responsible Master Plumber Applicants	94
Sec. 363.27	Criminal Conviction Guidelines	96
Chapter 365 Licensing and Registration.....		93
Sec. 365.1	License, Endorsement and Registration Categories; Scope of Work Permitted	99
Sec. 365.2	Exemptions	101
Sec. 365.4	Issuance of License, Registration or Endorsement	103
Sec. 365.5	Renewal of License, Registration or Endorsement	103
Sec. 365.6	Expiration of License, Registration or Endorsement	104
Sec. 365.7	Duplicate Pocket Card	105
Sec. 365.8	Change of Name, Address, or Employment	105
Sec. 365.10	Application for License, Registration or Endorsement After Revocation	105
Sec. 365.13	Licensing or Registration of Individuals in Default on a Guaranteed Student Loan or in Arrears on Child Support Payments	106
Sec. 365.14	Course Year for Continuing Professional Education Programs	108
Sec. 365.15	Course Materials for Continuing Professional Education Programs	108
Sec. 365.16	Board Approval of Course Providers for Continuing Professional Education Programs and Publishers of Course Materials	110
Sec. 365.17	Board Approval of Course Instructors for Continuing Professional Education Programs	112
Sec. 365.18	Publishers of Course Materials for Continuing Professional Education Programs	112
Sec. 365.19	Course Providers of Continuing Professional Education Programs	113
Sec. 365.20	Course Instructors of Continuing Professional Education Programs	116
Sec. 365.21	Continuing Professional Education Programs for the Medical Gas Piping Installation Endorsement	117
Sec. 365.22	Licensing Procedures for Military Spouses	118
Sec. 365.23	Transfer of License	119
Chapter 367 Enforcement.....		112
Sec. 367.1	Authority	120
Sec. 367.2	Code Requirements	120
Sec. 367.3	Standards of Conduct - Licensees and Registrants	121
Sec. 367.4	Standards of Conduct - Plumbing Inspectors.....	122
Sec. 367.5	Responsibilities of RMP-General	123
Sec. 367.6	Responsibilities of RMP-Insurance Required.....	123
Sec. 367.7	Responsibilities of RMP-Medical Gas Piping Systems.....	124
Sec. 367.8	Responsibilities of RMP-Multipurpose Residential Fire Protection Sprinkler Systems	124
Sec. 367.9	Advertising; Offering to Perform Plumbing	126
Sec. 367.10	Display of RMP Name and License Number.....	126
Sec. 367.11	License or Registration Required.....	127
Sec. 367.12	On-Site License and Registration Checks.....	128
Sec. 367.13	Filing Complaints	128
Sec. 367.14	Processing Complaints.....	129
Sec. 367.15	Investigating Complaints	131

TITLE 22 EXAMINING BOARDS**PART 17 TEXAS STATE BOARD OF PLUMBING EXAMINERS****CHAPTER 361 ADMINISTRATION****SUBCHAPTER A GENERAL PROVISIONS****§361.1 Definitions**

(a) The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

- (1) APA--The Administrative Procedure Act, Chapter 2001 of the Texas Government Code.
- (2) Adopted Plumbing Code--A plumbing code, including a fuel gas code, adopted by the Board or a political subdivision in compliance with §1301.255 and §1301.551 of the Plumbing License Law.
- (3) Advisory Committee--A Board appointed committee subject to §1301.258 of the Plumbing License Law, §361.12 of the Board Rules and Chapter 2110 of the Texas Government Code, of which the primary function is to advise the Board.
- (4) Appliance Connection--An appliance connection procedure using only a code-approved appliance connector that does not require cutting into or altering the existing plumbing system.
- (5) Applicant--An individual seeking to obtain a license, registration or endorsement issued by the Board.
- (6) Board--The Texas State Board of Plumbing Examiners.
- (7) Board Member--An individual appointed by the governor and confirmed by the senate to serve on the Board.
- (8) Building Sewer--The part of the sanitary drainage system outside of the building, which extends from the end of the building drain to a public sewer, private sewer, private sewage disposal system, or other point of sewage disposal.
- (9) Certificate of Insurance--A form submitted to the Board certifying that the Responsible Master Plumber carries insurance coverage as specified in §1301.522 of the Plumbing License Law and §367.3 of the Board Rules.
- (10) Chief Examiner--An employee of the Board who, under the direction of the Executive Director, coordinates and supervises the activities of the Board examinations and registrations.
- (11) Cleanout--A fitting, other than a p-trap, approved by the adopted plumbing code and designed to be installed in a sanitary drainage system to allow easy access for cleaning the sanitary drainage system.
- (12) Code-Approved Appliance Connector--A semi-rigid or flexible assembly of tube and fittings approved by the adopted plumbing code and designed for connecting an appliance to the existing plumbing system without cutting into or altering the existing plumbing system.
- (13) Code-Approved Existing Opening--For the purposes of drain cleaning activities described in §1301.002(3) of the Plumbing License Law, a code-approved existing opening is any existing cleanout fitting, inlet of any p-trap or fixture, or vent terminating into the atmosphere that has been approved and installed in accordance with the adopted plumbing code.

(14) Complaint--A written charge alleging a violation of state law, Board rules or orders, local codes or ordinances, or standards of competency; or the presence of fraud, false information, or error in the attempt to obtain a license, registration or endorsement.

(15) Contested Case--A proceeding in which the legal rights, duties, or privileges of a party are to be determined by the Board after an opportunity for adjudicative hearing.

(16) Continuing Professional Education or CPE--Board-approved courses/programs required for a licensee, or registrant with an endorsement, to renew his or her license, registration and/or endorsement.

(17) Director of Enforcement--An employee of the Board who meets the definition of "Field Representative" and, under the direction of the Executive Director, coordinates and supervises the activities of the Field Representatives.

(18) Direct Supervision--

- (A) The on-the-job oversight and direction of a registered Plumber's Apprentice performing plumbing work by a licensed plumber who is fulfilling his or her responsibility to the client and employer by ensuring the following:
 - (i) that the plumbing materials for the job are properly prepared prior to assembly according to the material manufacturers recommendations and the requirements of the adopted plumbing code; and
 - (ii) that the plumbing work for the job is properly installed to protect health and safety by meeting the requirements of the adopted plumbing code and all requirements of local and state ordinances, regulations and laws.
- (B) The on-the-job oversight and direction by a licensed Plumbing Inspector of an individual training to qualify for the Plumbing Inspector Examination.
- (C) For plumbing work performed only in the construction of a new one-family or two-family dwelling in an unincorporated area of the state, a Responsible Master Plumber is not required to provide for the continuous or uninterrupted on-the-job oversight of a Plumber's Apprentice's work by a licensed plumber, however, the Responsible Master Plumber must:
 - (i) provide for the training and management of the Plumber's Apprentice by a licensed plumber;
 - (ii) provide for the review and inspection of the Plumber's Apprentice's work by a licensed plumber to ensure compliance with subparagraph (A)(i) and (ii) of this paragraph; and
 - (iii) upon request by the Board, provide the name and plumber's license number of the licensed plumber who is providing on-the-job training and management of the Plumber's Apprentice and who is reviewing and inspecting the Plumber's Apprentice's work on the job, or the name and plumber's license number of the licensed plumber who trained and managed the Plumber's Apprentice and who reviewed and inspected the Plumber's Apprentice's work on a job.

(19) Endorsement--A certification issued by the Board as an addition to a Master Plumber, Plumbing Inspector, or Journeyman Plumber License or a Plumber's Apprentice Registration, including a Drain Cleaner Registration, a Drain Cleaner-Restricted Registration, and a Residential Utilities Installer Registration.

(20) Executive Director--The executive director of the Texas State Board of Plumbing Examiners who is employed by the Board as the executive head of the agency.

(21) Field Representative--An employee of the Board who is:

- (A) knowledgeable of the Plumbing License Law and of municipal ordinances relating to plumbing;
- (B) qualified by experience and training in good plumbing practice and compliance with the Plumbing License Law;
- (C) designated by the Board to assist in the enforcement of the Plumbing License Law and Board rules;
- (D) licensed by the Board as a plumber; and
- (E) hired to:
 - (i) make on-site license and registration checks to determine compliance with the Plumbing License Law;
 - (ii) investigate consumer complaints filed under §1301.303 of the Plumbing License Law;
 - (iii) assist municipal plumbing inspectors in cooperative enforcement of the Plumbing License Law; and
 - (iv) issue citations as provided by §1301.502 of the Plumbing License Law.

(22) Journeyman Plumber--An individual licensed under the Plumbing License Law who has met the qualifications for registration as a Plumber's Apprentice or for licensure as a Tradesman Plumber-Limited who has completed at least 8,000 hours working under the supervision of a Responsible Master Plumber, who supervises, engages in, or works at the actual installation, alteration, repair, service and renovating of plumbing, and who has successfully fulfilled the examinations and requirements of the Board.

(23) License--A document issued by the Board to certify that the named individual fulfilled the requirements of the Plumbing License Law and of the Board Rules to hold a license issued by the Board.

(24) Licensing and Registering--The process of granting, denying, renewing, reinstating, revoking, or suspending a license, registration or endorsement.

(25) Maintenance Man or Maintenance Engineer--An individual who:

- (A) is an employee, and not an independent contractor or subcontractor;
- (B) performs plumbing maintenance work incidental to and in connection with other employment-related duties; and
- (C) does not engage in plumbing work for the general public.
- (D) For the purposes of paragraph 25(B), "incidental to and in connection with" includes the repair, maintenance and replacement of existing potable water piping, existing sanitary waste and vent piping, existing plumbing fixtures and existing water heaters.
- (E) An individual who erects, builds, or installs plumbing not already in existence may not be classified as a maintenance man or maintenance engineer. Plumbing work performed by a maintenance man or maintenance engineer is not exempt from state law and municipal rules and ordinances regarding plumbing codes, plumbing permits and plumbing inspections.

(26) Master Plumber--An individual licensed under the Plumbing License Law who is skilled in the design, planning, superintending, and the practical installation, repair, and service of plumbing, who is knowledgeable about the codes, ordinances, or rules and regulations governing those matters, who alone, or through an individual or individuals under his supervision, performs plumbing work, and who has successfully fulfilled the examinations and requirements of the Board.

(27) Medical Gas Piping Installation Endorsement--

- (A) A certification entitling the holder of a Master or Journeyman Plumber License to install piping that is used solely to transport gases used for medical purposes including, but not limited to oxygen, nitrous oxide, medical air, nitrogen, medical vacuum.
- (B) A certification entitling the holder of a Plumbing Inspector License to inspect medical gas and vacuum system installations.

(28) Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement--

- (A) A certification entitling the holder of a Master or Journeyman Plumber License to install a multipurpose residential fire protection sprinkler system in a one or two family dwelling.
- (B) A certification entitling the holder of a Plumbing Inspector License to inspect a multipurpose residential fire protection sprinkler system.

(29) Military service member--A person who is currently serving in the armed forces of the United States, in a reserve component of the armed forces of the United States, including the National Guard, or in the state military service of any state.

(30) Military spouse--A person who is married to a military service member who is currently on active duty.

(31) Military veteran--A person who has served in the army, navy, air force, marine corps, or coast guard of the United States, or in an auxiliary service of one of those branches of the armed forces.

(32) One-Family Dwelling--A detached structure designed for the residence of a single family that does not have the characteristics of a multiple family dwelling, and is not primarily designed for transient guests or for providing services for rehabilitative, medical, or assisted living in connection with the occupancy of the structure.

(33) Party--A person or state agency named or admitted as a party to a contested case.

(34) Paid Directly--As related to §1301.255(e) of the Plumbing License Law, "paid" and "directly" have the common meanings and "paid directly" means that compensation for plumbing inspections must be paid by the political subdivision to the individual Licensed Plumbing Inspector who performed the plumbing inspections or the plumbing inspection business which utilized the plumbing inspector to perform the inspections.

(35) Person--An individual, partnership, corporation, limited liability company, association, governmental subdivision or public or private organization of any character other than an agency.

(36) Petitioner--A person requesting the Board to adopt, amend or repeal a rule pursuant to §2001.021 of the Texas Government Code and §361.14 of the Board Rules.

(37) Plumbing--

- (A) All piping, fixtures, appurtenances, and appliances, including disposal systems, drain or waste pipes, multipurpose residential fire protection sprinkler systems or any combination of these that: supply, distribute, circulate, recirculate, drain, or eliminate water, gas, medical gasses and vacuum, liquids, and sewage for all personal or domestic purposes in and about buildings where persons live, work, or assemble; connect the building on its outside with the source of water, gas, or other liquid supply, or combinations of these, on the premises, or the water main on public property; and carry waste water or sewage from or within a building to the sewer service lateral on public property or the disposal or septic terminal that holds private or domestic sewage.
- (B) The installation, repair, service, maintenance, alteration, or renovation of all piping, fixtures, appurtenances, and appliances on premises where persons live, work, or assemble that supply gas, medical gasses and vacuum, water, liquids, or any combination of these, or dispose of waste water or sewage. Plumbing includes the treatment of rainwater to supply a plumbing fixture or appliance. The term "service" includes, but is not limited to, cleaning a drain or sewer line using a cable or pressurized fluid, or performing a camera inspection through a code-approved existing opening.

(38) Plumbing Company--A person who engages in the plumbing business.

(39) Plumbing Inspection--Any of the inspections required in §1301.255 and §1301.551 of the Plumbing License Law, including any check of multipurpose residential fire protection sprinkler systems, pipes, faucets, tanks, valves, water heaters, plumbing fixtures and appliances by and through which a supply of water, gas, medical gasses or vacuum, or sewage is used or carried that is performed on behalf of any political subdivision, public water supply, municipal utility district, town, city or municipality to ensure compliance with the adopted plumbing and gas codes and ordinances regulating plumbing.

(40) Plumbing Inspector--Any individual who is employed by a political subdivision or state agency, or who contracts as an independent contractor with a political subdivision or state agency, for the purpose of inspecting plumbing work and installations in connection with health and safety laws, ordinances, and plumbing and gas codes, who has no financial or advisory interests in any plumbing company, and who has successfully fulfilled the examinations and requirements of the Board.

(41) Plumbing License Law or PLL--Chapter 1301 of the Texas Occupations Code.

(42) Pocket Card--A card issued by the Board which:

- (A) certifies that the holder has a Responsible Master Plumber License, Master Plumber License, Journeyman Plumber License, Tradesman Plumber-Limited License, Plumbing Inspector License, or a Plumber's Apprentice Registration; and
- (B) lists any Endorsements obtained by the holder.

(43) Political Subdivision--A political subdivision of the State of Texas that includes a:

- (A) city;
- (B) county;
- (C) school district;
- (D) junior college district;

- (E) municipal utility district;
- (F) levee improvement district;
- (G) drainage district;
- (H) irrigation district;
- (I) water improvement district;
- (J) water control improvement district;
- (K) water control preservation district;
- (L) freshwater supply district;
- (M) navigation district;
- (N) conservation and reclamation district;
- (O) soil conservation district;
- (P) communication district;
- (Q) public health district;
- (R) river authority; and
- (S) any other governmental entity that:
 - (i) embraces a geographical area with a defined boundary;
 - (ii) exists for the purpose of discharging functions of government; and
 - (iii) possesses authority for subordinate self-government through officers selected by it.

(44) P-Trap--A fitting connected to the sanitary drainage system for the purpose of preventing the escape of sewer gasses from the sanitary drainage system and designed to be removed to allow for cleaning of the sanitary drainage system. For the purposes of drain cleaning activities described in §1301.002(2) of the Plumbing License Law, a p-trap includes any integral trap of a water closet, bidet, or urinal.

(45) Public Water System--A system for the provision to the public of water for human consumption through pipes or other constructed conveyances. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals, but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or greater, at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if the individual lives in, uses as the individual's place of employment, or works in a place to which drinking water is supplied from the water system.

(46) Respondent--A person charged in a complaint filed with the Board.

(47) Responsible Master Plumber or RMP--A licensed Master Plumber who:

- (A) allows the person's Master Plumber License to be used by only one plumbing company for the purpose of offering and performing plumbing work;
- (B) is authorized to obtain permits for plumbing work;

- (C) assumes responsibility for plumbing work performed under the person's license;
 - (D) has submitted a certificate of insurance as required by §1301.3576 of the Plumbing License Law and §367.3 of the Board Rules; and
 - (E) has completed and submitted a certificate of completion of a training program as required by §1301.3576 of the Plumbing License Law and §363.26 of the Board Rules;
 - (F) When used in Board forms, applications or other communications by the Board, the abbreviation "RMP" shall mean Responsible Master Plumber.
- (48) Registration--A document issued by the Board to certify that the named individual fulfilled the requirements of the PLL and Board Rules to register as a Plumber's Apprentice.
- (49) Rule--An agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the agency. The term includes the amendment or repeal of a prior rule but does not include statements concerning only the internal management or organization of the agency and not affecting private rights or procedures.
- (50) Supervision--The general oversight, direction and management of plumbing work and individuals performing plumbing work by a Responsible Master Plumber, or a licensed plumber designated by the RMP.
- (51) System--An interconnection between one or more public or private end users of water, gas, sewer, or disposal systems that could endanger public health if improperly installed.
- (52) Tradesman Plumber-Limited Licensee--An individual who has completed at least 4,000 hours working under the direct supervision of a Journeyman or Master Plumber as a registered Plumber's Apprentice, who has passed the required examination and fulfilled the other requirements of the Board, who constructs, installs, changes, repairs, services, or renovates plumbing for one-family or two-family dwellings under the supervision of a Responsible Master Plumber, and who has not met or attempted to meet the qualifications for a Journeyman Plumber License.
- (53) Two-Family Dwelling--A detached structure with separate means of egress designed for the residence of two families ("duplex") that does not have the characteristics of a multiple family dwelling and is not primarily designed for transient guests or for providing services for rehabilitative, medical, or assisted living in connection with the occupancy of the structure.
- (54) Water Supply Protection Specialist--A Master or Journeyman Plumber who holds the Water Supply Protection Specialist Endorsement issued by the Board to engage in customer service inspections, as defined by rule of the Texas Commission on Environmental Quality, and the installation, service, and repair of plumbing associated with the treatment, use, and distribution of rainwater to supply a plumbing fixture or appliance.
- (55) Water Treatment--A business conducted under contract that requires experience in the analysis of water, including the ability to determine how to treat influent and effluent water, to alter or purify water, and to add or remove a mineral, chemical, or bacterial content or substance. The term also includes the installation and service of potable water treatment equipment in public or private water systems and making connections necessary to complete installation of a water treatment system. The term does not include treatment of rainwater or the repair of systems for rainwater harvesting.

(56) Yard Water Service Piping--The building supply piping carrying potable water from the water meter or other source of water supply to the point of connection to the water distribution system at the building.

(b) Any term not defined in this section shall have the definition set out in §1301.002 of the Plumbing License Law.

§361.2 Purpose

The purpose of these sections is to provide standards and procedures to implement and enforce the provisions of the PLL, APA, and all other laws applicable to the examination and licensing of plumbers and plumbing inspectors of Texas.

§361.3 Scope

The Board shall apply these sections to all individuals engaged in plumbing work and plumbing inspection in Texas, with the exceptions Source Noted in the PLL and Board Rules.

§361.4 The Board

The board shall hold meetings and conduct business in accordance with all applicable laws, these sections, and any procedures it may establish to discharge its functions. The board shall set forth in writing any such procedures so established and file them with the agency as open records.

§361.5 Administration

The Board shall delegate to its employees, under the direction of the Executive Director, those functions appropriate to the daily conduct of the Board's business of carrying out the purposes of all applicable laws and of these rules.

§361.6 Fees

(a) The Board shall waive the initial license, application and examination fees for military service members, military veterans and military spouses who substantially meet all of the requirements for licensure or examination by the Board.

(b) The Board has established the following fees:

- (1) Initial Licenses, Endorsements and Registrations.
 - (A) Responsible Master Plumber License--\$420;
 - (B) Master Plumber License--\$75;
 - (C) Journeyman Plumber License--\$40;
 - (D) Medical Gas Installation Endorsement (Master)--\$55;
 - (E) Medical Gas Installation Endorsement (Journeyman)--\$14;
 - (F) Medical Gas Installation Endorsement (Inspector)--\$27.50;
 - (G) Plumbing Inspector License--\$55;
 - (H) Water Supply Protection Specialist Endorsement (Journeyman)--\$14;
 - (I) Water Supply Protection Specialist Endorsement (Master)--\$55;
 - (J) Water Supply Protection Specialist Endorsement (Inspector)--\$27.50;
 - (K) Tradesman Plumber-Limited License--\$35;
 - (L) Plumber's Apprentice Registration/Application--\$15;

- (M) Residential Utilities Installer Registration/Application--\$18;
- (N) Drain Cleaner Registration/Application--\$18;
- (O) Drain Cleaner-Restricted Registration/Application--\$18;
- (P) Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement (Master)--\$55;
- (Q) Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement (Journeyman)--\$14;
- (R) Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement (Inspector)--\$27.50.

(2) Examinations.

- (A) Master Plumber--\$175;
- (B) Journeyman Plumber--\$40;
- (C) Medical Gas Piping Installation Endorsement (Master)--\$80;
- (D) Medical Gas Piping Installation Endorsement (Journeyman)--\$27;
- (E) Medical Gas Piping Installation Endorsement (Inspector)--\$40;
- (F) Plumbing Inspector--\$55;
- (G) Water Supply Protection Specialist Endorsement (Journeyman)--\$27;
- (H) Water Supply Protection Specialist Endorsement (Master)--\$80;
- (I) Water Supply Protection Specialist Endorsement (Inspector)--\$40;
- (J) Tradesman Plumber-Limited License--\$36;
- (K) Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement (Master)--\$80;
- (L) Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement (Journeyman)--\$27;
- (M) Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement (Inspector)--\$40.

(3) Renewals.

- (A) Responsible Master Plumber License--\$420;
- (B) Master Plumber License--\$75;
- (C) Journeyman Plumber License--\$40;
- (D) Medical Gas Piping Installation Endorsement (Master)--\$55;
- (E) Medical Gas Piping Installation Endorsement (Journeyman)--\$14;
- (F) Medical Gas Piping Installation Endorsement (Inspector)--\$27.50;
- (G) Plumbing Inspector License--\$55;
- (H) Water Supply Protection Specialist Endorsement (Journeyman)--\$14;
- (I) Water Supply Protection Specialist Endorsement (Master)--\$55;
- (J) Water Supply Protection Specialist Endorsement (Inspector)--\$27.50;
- (K) Plumbing Inspector with a Master and/or Journeyman License--\$55;

- (L) Master Plumber with Journeyman Plumber License--\$75;
 - (M) Tradesman Plumber-Limited License--\$35;
 - (N) Plumber's Apprentice Registration--\$15;
 - (O) Residential Utilities Installer Registration--\$18;
 - (P) Drain Cleaner Registration--\$18;
 - (Q) Drain Cleaner-Restricted Registration--\$18;
 - (R) Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement (Master)--\$55;
 - (S) Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement (Journeyman)--\$14;
 - (T) Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement (Inspector)--\$27.50.
- (4) Other Fees.
- (A) Late renewal
 - (i) Responsible Master Plumber License:
 - (I) less than 90 days--one-half renewal fee--\$210;
 - (II) more than 90 days--renewal fee--\$420;
 - (ii) Master Plumber License:
 - (I) less than 90 days--one-half renewal fee--\$37.50;
 - (II) more than 90 days--renewal fee--\$75;
 - (iii) Medical Gas Piping Installation Endorsement (Master):
 - (I) less than 90 days--one half renewal fee--\$27.50;
 - (II) more than 90 days--renewal fee--\$55;
 - (iv) Medical Gas Piping Installation Endorsement (Journeyman):
 - (I) less than 90 days--one half renewal fee--\$7;
 - (II) more than 90 days--renewal fee--\$14;
 - (v) Medical Gas Piping Installation Endorsement (Inspector):
 - (I) less than 90 days--one half renewal fee--\$13.75;
 - (II) more than 90 days--renewal fee--\$27.50;
 - (vi) Journeyman Plumber License:
 - (I) less than 90 days--one-half renewal fee--\$20;
 - (II) more than 90 days--renewal fee--\$40;
 - (vii) Water Supply Protection Specialist Endorsement (Journeyman):
 - (I) less than 90 days--one half renewal fee--\$7;
 - (II) more than 90 days--renewal fee--\$14;
 - (viii) Water Supply Protection Specialist Endorsement (Master):
 - (I) less than 90 days--one half renewal fee--\$27.50;
 - (II) more than 90 days--renewal fee--\$55;

- (ix) Water Supply Protection Specialist Endorsement (Inspector):
 - (I) less than 90 days--one half renewal fee--\$13.75;
 - (II) more than 90 days--renewal fee--\$27.50;
- (x) Plumbing Inspector License:
 - (I) less than 90 days--one half renewal fee--\$27.50;
 - (II) more than 90 days--renewal fee--\$55;
- (xi) Master Plumber License with Journeyman Plumber License:
 - (I) less than 90 days--one half renewal fee--\$37.50;
 - (II) more than 90 days--renewal fee--\$75;
- (xii) Plumbing Inspector License with Master and/or Journeyman Plumber License:
 - (I) less than 90 days--one half renewal fee--\$27.50;
 - (II) more than 90 days--renewal fee--\$55;
- (xiii) Tradesman Plumber-Limited License:
 - (I) less than 90 days--one half renewal fee--\$17.50;
 - (II) more than 90 days--renewal fee--\$35;
- (xiv) Plumber's Apprentice Registration:
 - (I) less than 90 days--one half renewal fee--\$7.50;
 - (II) more than 90 days--renewal fee--\$15;
- (xv) Residential Utilities Installer Registration:
 - (I) less than 90 days--one half renewal fee--\$9;
 - (II) more than 90 days--renewal fee--\$18;
- (xvi) Drain Cleaner Registration:
 - (I) less than 90 days--one half renewal fee--\$9;
 - (II) more than 90 days--renewal fee--\$18;
- (xvii) Drain Cleaner-Restricted Registration:
 - (I) less than 90 days--one half renewal fee--\$9;
 - (II) more than 90 days--renewal fee--\$18;
- (xviii) Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement (Master):
 - (I) less than 90 days--one half renewal fee--\$27.50;
 - (II) more than 90 days--renewal fee--\$55;
- (xix) Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement (Journeyman):
 - (I) less than 90 days--one half renewal fee--\$7;
 - (II) more than 90 days--renewal fee--\$14;

- (xx) Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement (Inspector):
 - (I) less than 90 days--one half renewal fee--\$13.75;
 - (II) more than 90 days--renewal fee--\$27.50.
- (B) Instructor Certification Training (Per Day)--\$150.
- (C) Duplicate Pocket Card--\$25.
- (D) Returned check--\$25.
- (E) Fees for a provisional license issued under §1301.358 of the Plumbing License Law are equal to the initial license fees established in paragraph (1) of this subsection.
- (F) Fees for a provisional registration issued under §53.0211(c) of the Texas Occupations Code are equal to the initial registration fees established in paragraph (1) of this subsection.
- (G) Transfer of License--\$500.
- (H) License Verification--\$15.

(c) Methods of payment

- (1) Fees paid electronically through the Texas Online website, which may be accessed from the Texas State Board of Plumbing Examiners' website, may be made in the form of credit card or check.
- (2) Fees paid by mail or in person may be made in the form of money order, cashier's check, personal check, business check, or the exact amount of cash (cash payments by mail are not recommended).
- (3) An individual shall pay the appropriate examination fee prior to the time of examination, or, the appropriate initial licensure or renewal fee prior to issuance of a license, registration, endorsement or renewal.
- (4) The Board, under any special circumstances it finds appropriate, may:
 - (A) waive any requirements concerning the method or timing of payment of any fee;
 - (B) refund any fee; or
 - (C) waive payment of any fee not required by statute.
- (5) Any fee paid for a license, endorsement or registration, which has been denied or revoked due to a criminal conviction under §363.15 of the Board Rules or any violation of the Plumbing License Law or Board Rules shall not be refunded.

§361.7 Employee Training and Education

- (a) With the approval of the Executive Director, the Board may make available to its employees funds for training and education in accordance with the Employee Training Act, §§656.041 - 656.049 of the Texas Government Code.
- (b) In order to be eligible for agency-supported training and education, the employee must demonstrate in writing, to the satisfaction of the Executive Director, that the training or education is related to the duties or prospective duties of the employee.

(c) Eligible training and education expenses that are approved by the Executive Director may include, as appropriate, salary, tuition and other fees, travel and living expenses, training stipend, expense of training materials, and other necessary expenses of an instructor, student, or other participant in a training or education program.

(d) The Executive Director may determine to pay all or part of the expenses related to training on a reimbursement basis to the employee, upon successful completion of the training.

(e) An employee who completes training and education to obtain a degree or certification for which the Board has provided all or part of the required fees must agree in writing to fully repay the Board any amounts paid for educational assistance if the employee voluntarily terminates employment with the agency within one year of course completion.

(f) The Executive Director is eligible to receive agency-supported training and education in accordance with this section subject to the approval of the Chairman of the Board.

§361.8 Forms and Materials

The Board incorporates by reference any rules that may be contained in the following forms and requires the use of these forms in doing business with the agency:

- (1) Applications for Examination, Registration and Endorsements;
- (2) Application for Responsible Master Plumber;
- (3) Employer's Certification;
- (4) General Complaint;
- (5) Applications for renewals of Licenses, Registrations and Endorsements;
- (6) Military Service Member, Veteran, or Military Spouse Supplemental Information;
- (7) Supplemental Criminal History Information;
- (8) Application for Nonstandard Testing Accommodations including the Physician or Licensed Health Care Provider;
- (9) Certificate of Insurance; and
- (10) Transfer of License Affidavit.

§361.10 Historically Underutilized Business (HUB) Program

The Texas State Board of Plumbing Examiners adopts the rules of the Texas Facilities Commission relating to the Historically Underutilized Business (HUB) Program and codified at 1 Texas Administrative Code §§111.20-111.33.

§361.11 State Vehicle Management

(a) Each state vehicle utilized by the Board, with the exception of a vehicle assigned to a field employee, shall be assigned to the Board's motor pool and be available for checkout by Board employees who are authorized by the Board's Executive Director to use the vehicle.

(b) No state vehicle utilized by the Board may be assigned to an individual administrative or executive employee on a regular basis, unless the Board makes a written documented finding that the assignment is critical to the needs of the mission of the Board.

(c) The Board's Executive Director shall administer policies and procedures consistent with The Office of Vehicle Fleet Management's State Vehicle Fleet Management Plan.

§361.12 Advisory Committees

(a) The Board may appoint Advisory Committees as it considers necessary for the primary function of advising the Board.

(b) Advisory Committees are subject to §1301.258 of the Plumbing License Law and Chapter 2110 of the Texas Government Code and shall:

- (1) be composed of a reasonable number of members not to exceed twenty-four (24) members who provide a balanced representation between:
 - (A) individuals regulated or directed affected by the Board; and
 - (B) consumers of services provided by the Board or the plumbing industry; and
- (2) select from among its members a presiding officer who shall preside over the advisory committee and report to the Board; and
- (3) serve without compensation or reimbursement.

(c) If the board appoints an advisory committee, it shall adopt rules that:

- (1) state the purpose of the committee;
- (2) describe the task of the committee and the manner in which the committee will report to the Board; and
- (3) the date on which the committee will automatically be abolished (not to exceed four years from its creation) unless the Board votes to continue the committee in existence.

(d) If the Board appoints an advisory committee it shall evaluate annually:

- (1) the committee's work;
- (2) the committee's usefulness; and
- (3) the costs related to the committee's existence, including the cost of Board staff time spent in support of the committee's activities.

(e) The Board shall report to the Legislative Budget Board the information developed in the evaluation required in subsection (d) of this section. The Board shall file the report biennially in connection with the agency's request for appropriations.

§361.13 Board Committees and Enforcement Committee

(a) The Board may create committees to assist the Board in exercising its powers and duties.

(b) The presiding officer of the Board shall appoint the members of the committees. Except as provided by subsection (c) of this section, each committee member must be a member of the Board.

(c) The presiding officer may appoint only members of the agency staff to the Enforcement Committee whose duties will include following the requirements of the APA, the Plumbing License Law and the policies, guidelines and rules established by the Board and:

- (1) investigating complaints or designating an employee of the Board to investigate complaints;
- (2) reviewing complaint investigations to determine whether a violation of the Plumbing License Law or Board Rules has occurred;
- (3) recommending the imposition of administrative penalties and issue notices of alleged violations;

- (4) conducting informal conferences;
- (5) negotiating proposed settlements;
- (6) overseeing the preparation for contested cases;
- (7) overseeing the issuance of cease and desist orders, criminal citations and the filing of injunctions; and
- (8) reviewing applicants for examination, registration and licensing who have a criminal conviction history affected by §363.15 of the Board Rules.

§361.14 Petition for Adoption of Rules

(a) Any person who petitions the board in writing to request the adoption, amendment or repeal of rules shall:

- (1) include a brief statement summarizing the proposed action and detailing its desired effect;
- (2) include a full justification of the proposed action in narrative form, citing all pertinent facts and circumstances;
- (3) if proposing an amendment, refer to each existing rule to be amended by title and code number and preface the text to indicate words and punctuation to be added, changed, or deleted;
- (4) if proposing a new rule, prepare the text of the new rule in the exact form that is desired to be adopted;
- (5) if proposing a repeal, refer to each existing rule to be repealed by title and code number; and
- (6) include the petitioner's full name, complete mailing address, and telephone number.

(b) Within 60 days of receipt, the Board will either deny the petition in writing, stating its reasons therefore, or will initiate rulemaking proceedings in accordance with Chapter 2001 of the Texas Government Code.

§361.15 Election of Board Officers

(a) The governor shall designate a member of the board as the presiding officer of the Board to serve in that capacity at the pleasure of the governor.

(b) The Board shall elect a secretary from its membership.

- (1) The election may be held every two years during the July Board meeting.
- (2) The elected Board Secretary shall take office on the first day of September following the election held at the July Board meeting.
- (3) If the office becomes vacant for any reason, a special election shall be held at the next regularly scheduled Board meeting to fill the office for the unexpired term.

CHAPTER 363 EXAMINATION AND REGISTRATION**§363.1 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Application--the information submitted by an individual seeking Board approval to:
 - (A) obtain a license, registration, or endorsement; or
 - (B) take a licensing or endorsement examination administered by the Board.
- (2) Directly Related to Plumbing--directly related to the duties and responsibilities of the occupation of registered and licensed individuals performing plumbing work and plumbing inspections.

§363.2 General Qualifications*

(a) To be eligible to receive any license or registration issued by the Board an applicant must be:

- (1) a citizen or national of the United States; or
- (2) an alien or non-immigrant eligible for licensure by the State of Texas.

(b) In order to qualify for any license, registration, or endorsement, an applicant must:

- (1) meet all of the requirements of the Board;
- (2) submit documentation evidencing successful submittal of fingerprints for criminal history background checks, as may be required by subsection (f) of this section or the PLL, if applicable;
- (3) pay the required fee; and
- (4) successfully complete and pass the examination, if applicable.

(c) An applicant may qualify for a Master Plumber License, Journeyman Plumber License, Tradesman Plumber-Limited License, Plumbing Inspector License, or Plumber's Apprentice Registration.

- (1) A licensed Plumbing Inspector, Master Plumber or Journeyman Plumber may obtain a Medical Gas Piping Installation Endorsement, Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement, or Water Supply Protection Specialist Endorsement.
- (2) A Tradesman Plumber-Limited may obtain a Drain Cleaner Registration.
- (3) A registered Plumber's Apprentice may obtain a Residential Utilities Installer Registration, a Drain Cleaner-Restricted Registration or a Drain Cleaner Registration.

(d) A Plumber's Apprentice or Tradesman Plumber-Limited Licensee applying to take an examination must submit an Employer's Certification Form (ECF) showing that the applicant has accrued the required hours of experience working in the plumbing trade.

- (1) If the applicant accrued the hours through employment with multiple employers, the applicant must submit a separate ECF completed by each employer the applicant worked for.

- (2) The ECF shall be completed by the Responsible Master Plumber (RMP) who was the RMP for the company at the time the applicant worked there or the licensee who supervised the applicant on the job.
 - (3) If currently employed, the applicant shall:
 - (A) submit a request for an ECF in writing; and
 - (B) provide an ECF to the RMP or the licensee who supervised the applicant.
 - (4) Once a written request for an ECF is received, the RMP or licensee shall return the completed ECF to the applicant within thirty (30) business days.
 - (5) Upon separation of employment, or the end of a contract, an employer shall automatically provide a completed ECF to a Plumber's Apprentice or Tradesman Plumber-Limited or send it to the Board.
- (e) To receive credit for experience working in the trade, the applicant must hold either a valid Plumber's Apprentice Registration or Tradesman Plumber-Limited License at the time the hours were worked.
- (f) Fingerprinting Requirements. In accordance with §1301.4521 and Chapter 53 of the Occupations Code, the Board conducts reviews of individuals seeking licensure by the Board with a criminal background to evaluate their fitness and determine whether their criminal background disqualifies them from being licensed by or registered with the Board. In accordance with §411.122 of the Government Code, the Board is authorized to access criminal background records from the Texas Department of Public Safety (DPS) to conduct such reviews, including the submittal and registration with DPS of fingerprints from an individual seeking licensure with the Board, in order to obtain such records. Specifically, the Board's fingerprinting requirements are as follows:
- (1) Fingerprints required. The submittal and registration of fingerprints with DPS is required when applying for the following license or registration types: Tradesman Plumber-Limited License.
 - (2) Resubmittal of fingerprints. The requirement to submit and register fingerprints applies to both an initial application for a license or registration, as well as applications for renewal. However, once fingerprints have been submitted and registered with DPS, an individual ordinarily will not be required to re-submit their fingerprints, including renewals of a license or registration, or when applying for a different license or registration type. The foregoing notwithstanding, resubmittal of fingerprints may be required to the extent required by DPS or its third-party fingerprint processing vendor; for example, to comply with new or enhanced fingerprint records requirements, or if additional biometric data is required to conduct criminal background checks.
 - (3) Fingerprint procedures; fees. An applicant required to submit and register their fingerprints with DPS in accordance with paragraph (1) of this subsection must follow all instructions and procedures outlined by DPS and its third-party fingerprint processing vendor. The applicant is responsible for and must make payment directly to DPS and/or its designated third-party fingerprint processing vendor, all fees associated with the criminal background fingerprinting process, which is separate from the application fee imposed by the Board.

** Note: this rule reflects amendments approved by the Board for adoption on May 15, 2019, but that have an anticipated effective date of August 1, 2019.*

§363.3 Qualifications for Applicants with Military Experience

(a) Notwithstanding §363.2(e) of this chapter, the Board shall credit verified military service, training, or education toward the requirements, other than examination requirements, for a license or registration issued by the Board.

(b) In lieu of the standard method(s) of qualifying for a particular license, and based on the applicant's circumstances, the Board may use an alternative method that takes into consideration any combination of the following:

- (1) education;
- (2) continuing education;
- (3) examinations (written and/or practical);
- (4) letters of good standing;
- (5) letters of recommendation;
- (6) work experience; or
- (7) discharge status from the military.

(c) This section does not apply to an applicant who:

- (1) holds a restricted license issued by another jurisdiction; or
- (2) has an unacceptable criminal history according to Chapter 53 of the Texas Occupations Code and §363.15 and §363.25 of this chapter.

(d) The Board shall expedite the issuance of a provisional license under this chapter to an applicant who:

- (1) has verified military experience; and
- (2) holds a current license issued by another jurisdiction that has license requirements that are substantially equivalent to the license requirements of the Board.

§363.4 Master Plumber License

(a) To be eligible for a Master Plumber License an applicant must:

- (1) have obtained a high school diploma, or the equivalent of a high school diploma; and
- (2) have held a Journeyman Plumber License issued in Texas or another state:
 - (A) for at least four years; or
 - (B) for at least one year if the applicant has successfully completed a training program approved by the United States Department of Labor, Office of Apprenticeship or another nationally-recognized apprentice training program accepted by the Board.

(b) An applicant who is licensed as a Master Plumber in another state must meet the requirements set forth in subsection (a) of this section.

§363.5 Journeyman Plumber License

(a) To be eligible for a Journeyman Plumber License an applicant must have completed forty-eight (48) hours of classroom training provided by a Board-approved instructor in a Board-approved training program meeting the requirements of subsections (f) and (g) of this section.

- (b) In addition to the requirements in subsection (a) of this section, an applicant must:
- (1) have at least 8,000 hours of experience working at the trade under the supervision of a RMP or a Master Plumber licensed in another state; and
 - (2) hold one of the following:
 - (A) a current Plumber's Apprentice Registration;
 - (B) a current Tradesman Plumber-Limited License; or
 - (C) a current Journeyman Plumber License issued in another state.
- (c) Upon written request by the applicant, the Board may credit an applicant with up to 1,000 hours of the work experience required to take the Journeyman Plumber examination if the applicant has completed the classroom portion of a training program that is:
- (1) approved by the United States Department of Labor, Office of Apprenticeship; or
 - (2) provided by a person approved by the Board and based on course materials approved by the Board.
- (d) Notwithstanding the training required by subsection (a)(2) of this section, a registered Plumber's Apprentice may apply for and take the Journeyman Plumber examination if the apprentice has received an associate of applied science degree from a plumbing technology program that:
- (1) includes a combination of classroom and on-the-job training; and
 - (2) is approved by the Board and the Texas Higher Education Coordinating Board.
- (e) An applicant is exempt from the training required by subsection (a)(2) of this section if the applicant:
- (1) has completed the classroom portion of a training program provided by a person approved by the Board and based on course materials approved by the Board;
 - (2) is a Plumber's Apprentice who is enrolled in good standing in a training program approved by the United States Department of Labor, Office of Apprenticeship; or
 - (3) holds a current Journeyman Plumber License issued in another state.
- (f) The training program required by subsection (a)(2) of this section shall include:
- (1) two (2) six-hour Continuing Professional Education (CPE) classes as required by §365.14(c) of the Board Rules; and
 - (2) the Occupational Safety and Health Administration (OSHA) 10-Hour Outreach Training class on Construction Industry Procedures, including:
 - (A) Introduction to OSHA;
 - (B) OSHA Focus on Four Hazards-fall protection, electrical, caught in between, and struck by;
 - (C) Personal Protective and Life Saving Equipment;
 - (D) Health Hazards in Construction, including hazard communication and silica;
 - (E) Tools, including hand tools and power tools;
 - (F) Excavations;

- (G) Stairways and Ladders;
- (H) Hazardous Materials; and
- (I) Introduction to Industrial Hygiene and Blood Borne Pathogens.

(g) In addition to the classes described in subsection (f) of this section, the training required by subsection (a)(2) of this section shall include:

- (1) eight (8) hours of classroom training, as follows:
 - (A) two (2) hours, to include:
 - (i) reading and understanding residential construction drawings;
 - (ii) learning the basics of math for plumbing; and
 - (iii) drawing rough in and riser diagrams;
 - (B) one (1) hour to review the International Residential Code chapter on Fuel Gas, including:
 - (i) definitions;
 - (ii) pipe sizing and layout; and
 - (iii) testing and inspections;
 - (C) one (1) hour to review the International Residential Code chapter on General Plumbing Requirements, including:
 - (i) individual water supply and sewage disposal;
 - (ii) structural and piping protection, including notching and boring;
 - (iii) trenching and backfilling;
 - (iv) workmanship and waterproofing penetrations; and
 - (v) listed, labeled and approved materials;
 - (D) one (1) hour to review the International Residential Code chapters on Plumbing Fixtures and Water Heaters, including:
 - (i) the installation of plumbing fixtures and accessories;
 - (ii) water heater installation and replacement, including hazards of improper installations; and
 - (iii) water heater safety devices and alternative methods of existing installations not to code;
 - (E) one (1) hour to review the International Residential Code chapter on Water Supply and Distribution, including:
 - (i) understanding and principals of backflow protection for potable water systems;
 - (ii) water supply systems, including thermal expansion control and water hammer arrestors;
 - (iii) water conservation and maximum flow for plumbing fixtures;
 - (iv) sizing and pressures of potable water systems from the meter throughout distribution to fixture connections;
 - (v) materials and installation of potable water piping;

- (vi) demonstration of soldering and brazing according to B-828 standards;
- (vii) hangers, anchors and supports; and
- (viii) drinking water treatment units;
- (F) one (1) hour to review the International Residential Code chapters on Sanitary Drainage and Vents, including:
 - (i) materials and installation of drainage systems, including proper grade and changes in direction of fittings;
 - (ii) preparation of piping;
 - (iii) standards for solvent cementing of pipe and fittings;
 - (iv) cast iron piping and fittings;
 - (v) location and installation of cleanouts;
 - (vi) sumps and ejectors sizing and installation;
 - (vii) understanding the principals and physics of proper venting;
 - (viii) installation of different types of venting systems; and
 - (ix) improper connections and prohibited venting applications;
- (G) one (1) hour to review the International Residential Code chapter on Traps, including:
 - (i) design and prohibited traps;
 - (ii) sizing and installation of traps and trap arms; and
 - (iii) trap protection; and (2) eighteen (18) hours of classroom training in certain chapters of the Uniform Plumbing Code, International Plumbing Code, and International Fuel Gas Code (as appropriate); the Texas Accessibility Standards, the Americans with Disabilities Act; and water conservation, as follows:
 - (A) one (1) hour to review the chapters on General Regulations;
 - (B) one (1) hour to review the chapters on Plumbing Fixtures and Fixture Fittings, including:
 - (i) general requirements and water conservation information for plumbing fixtures;
 - (ii) commercial plumbing fixtures; and
 - (iii) location and installation requirements for fixtures and fixture fittings;
 - (C) two (2) hours to review the chapters on Water Heaters, including:
 - (i) general regulations for water heater installation and replacement, including hazards of improper installations;
 - (ii) safety requirements for commercial water heaters;

- (iii) different types of water heaters available, including installations; and
 - (iv) safety devices and alternative methods to bring existing installations into compliance with plumbing codes;
- (D) two (2) hours to review the chapters on Water Supply and Distribution, including:
 - (i) installation of potable water systems; and
 - (ii) pipe sizing for water supply and distribution;
- (E) two (2) hours to review the chapters on Sanitary Drainage, including:
 - (i) understanding commercial plumbing; and
 - (ii) pipe sizing for sanitary waste;
- (F) one (1) hour to review the chapters on Indirect Wastes, including:
 - (i) applications accepted for indirect waste systems, both air-gap and air-break; and
 - (ii) understanding the reason for indirect waste systems;
- (G) two (2) hours to review the chapters on Vents, including:
 - (i) physics and importance of proper venting;
 - (ii) different venting methods, including vent termination;
 - (iii) special venting for island fixtures, and combination waste and vent systems; and
 - (iv) pipe sizing of vents;
- (H) one (1) hour to review the chapters on Traps and Interceptors, including:
 - (i) physics and importance of trap protection;
 - (ii) grease interceptor design, installation and maintenance according to the Plumbing Drainage Institute; and
 - (iii) different types of interceptors and applications according to code;
- (I) one (1) hour to review the chapters on Storm Drainage, including:
 - (i) basic design, materials and installation of storm water systems;
 - (ii) hazards of improper installations; and
 - (iii) testing procedures for storm drainage systems;

- (J) two (2) hours to review the chapters on Fuel Gas Piping, including:
 - (i) hazards of improperly designed or installed fuel gas piping and appliances;
 - (ii) approved materials and methods, including pipe and fittings; and
 - (iii) combustion air requirements;
- (K) one (1) hour to review the basic installation of handicapped plumbing fixtures for commercial projects, as required by the Texas Accessibility Standards and the Americans with Disabilities Act; and
- (L) two (2) hours to review new technology that promotes water and energy conservation including, rain water harvesting, solar energy, and water smart applications.

§363.6 Tradesman Plumber-Limited License

(a) To be eligible for a Tradesman Plumber-Limited License an applicant must:

- (1) have completed twenty-four (24) hours of classroom training provided by a Board approved instructor in a Board-approved training program in the areas of health and safety, the latest version of all plumbing codes adopted by the Board, and water conservation;
- (2) have at least 4,000 hours of experience working at the trade under the supervision of a RMP or a Master Plumber licensed in another state; and
- (3) hold one of the following:
 - (A) a current Plumber's Apprentice Registration;
 - (B) a current Journeyman Plumber License issued in another state; or
 - (C) a current Master Plumber License issued in another state.

(b) Upon written request by the applicant, the Board may credit an applicant with up to 1,000 hours of the work experience required to take the Tradesman Plumber-Limited examination if the applicant has completed the classroom portion of a training program that is:

- (1) approved by the United States Department of Labor, Office of Apprenticeship; or
- (2) provided by a person approved by the Board and based on course materials approved by the Board.

(c) Notwithstanding the training required by subsection (a)(1) of this section, a registered Plumber's Apprentice may apply for and take the Tradesman Plumber-Limited examination if the apprentice has received an associate of applied science degree from a plumbing technology program that:

- (1) includes a combination of classroom and on-the-job training; and
- (2) is approved by the Board and the Texas Higher Education Coordinating Board.

(d) An applicant is exempt from the training required by subsection (a)(1) of this section if the applicant:

- (1) has completed the classroom portion of a training program provided by a person approved by the Board and based on course materials approved by the Board;
 - (2) is a registered Plumber's Apprentice who is enrolled in good standing in a training program approved by the United States Department of Labor, Office of Apprenticeship; or
 - (3) holds a current Master or Journeyman Plumber License issued in another state.
- (e) The training program required by subsection (a)(1) of this section shall include:
- (1) one (1) six-hour CPE class as required by §365.14(c) of the Board Rules;
 - (2) the OSHA 10-Hour Outreach Training class described in §363.5(f)(2) of this chapter; and
 - (3) the eight (8) hours of classroom training described in §363.5(g)(1) of this chapter.

§363.7 Plumber's Apprentice Registration

To be eligible for a Plumber's Apprentice Registration an applicant must be at least sixteen (16) years of age.

§363.8 Plumbing Inspector License

(a) To be eligible for a Plumbing Inspector License an applicant must:

- (1) have obtained a high school diploma, or the equivalent of a high school diploma; and
- (2) hold one of the following:
 - (A) a current Journeyman or Master Plumber License issued in Texas or another state;
 - (B) a current Plumbing Inspector license issued in another state with licensing requirements substantially equivalent to the licensing requirements of the Board; or
 - (C) a current professional engineer or a professional architect license issued in Texas.

(b) In addition to meeting the requirements in subsection (a) of this section, an applicant who holds a Journeyman or Master Plumber License issued in another state must take and pass the Journeyman examination developed by the Board.

(c) An applicant is exempt from the licensure requirement listed in subsection (a)(2) of this section if the applicant has completed a total of 500 hours of training or experience in the plumbing industry. An applicant may receive credit toward the 500 hours as follows:

- (1) 100 hours of credit for successful completion of a certification in the Uniform Plumbing Code or the International Plumbing Code, issued by the International Association of Plumbing and Mechanical Officials or the International Code Council plumbing code certification;
- (2) 100 hours of credit for successful completion of a Board-approved Medical Gas Piping Installation Endorsement training program;
- (3) 100 hours of credit for successful completion of a Board-approved Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement training program;

- (4) 100 of hours credit for successful completion of a Board-approved Water Supply Protection Specialist Endorsement training program;
- (5) 100 hours of credit for successful completion of an approved Backflow Tester Certification program;
- (6) six (6) hours of credit for successful completion of any of the Board-approved CPE for Licensed Plumbers and Plumbing Inspectors courses;
- (7) up to 100 hours of credit for hours attending approved, documented and verified plumbing-related training academy or educational sessions;
- (8) up to 200 hours of credit for hours working in the trade or an approved, similar plumbing-related trade, as verified by former employers; or
- (9) up to 200 hours of credit for documented and verified on-the-job training in the enforcement of plumbing codes under the direct supervision of a licensed Plumbing Inspector.

§363.9 Medical Gas Piping Installation Endorsement

(a) To be eligible for a Medical Gas Piping Installation Endorsement an applicant must:

- (1) hold a current Journeyman Plumber, Master Plumber or Plumbing Inspector License; and
- (2) have successfully completed a Board-approved training program in medical gas piping installation, which is based on the standards contained in the latest edition of the National Fire Protection Association 99 Health Care Facilities Code (NFPA 99).

(b) At a minimum, the training program required by subsection (a)(2) of this section shall:

- (1) consist of at least twenty-four (24) hours dedicated to classroom presentation, shop demonstration and testing of the enrollee's comprehension of the course material;
- (2) address the responsibilities of an endorsement-holder as outlined in the current edition of the NFPA 99, Plumbing License Law and Board Rules;
- (3) address the proper installation and testing requirements for medical gas and vacuum piping systems, as outlined in the current edition of the NFPA 99; and
- (4) include at least four (4) hours of shop demonstration covering the proper assembly, purging and brazing procedures for horizontal and vertical joints.

§363.10 Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement

(a) To be eligible for a Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement an applicant must:

- (1) hold a current Journeyman Plumber, Master Plumber or Plumbing Inspector License; and
- (2) have successfully completed a Board-approved training program that provides the training necessary for the proper installation of a multipurpose residential fire protection sprinkler system as required by the National Fire Protection Association Standard 13D and any other applicable codes and standards recognized by the state.

(b) The training program required by subsection (a)(2) of this section shall be at least twenty-four (24) hours in length, incorporate the training criteria included in the American Society of Sanitary Engineering Series 7000 as it relates to plumbing-based residential fire protection systems installers for one and two family dwellings, and include:

- (1) one (1) hour to review applicable standards, codes, and laws, including the Plumbing License Law, Board Rules and the fire sprinkler rules set forth in 28 Tex. Admin. Code §§34.701 et seq., and their integration and identifying the enforcing authorities;
- (2) four (4) hours to study definitions, to identify at a minimum the various types, specific parts, specific terminology and concepts of the system;
- (3) four (4) hours to learn the acceptable type, material, location, limitation and correct installation of equipment, including but not limited to: pipe, fittings, valves, types of sprinkler heads, supports, drains, test connections, automatic by-pass valve, smoke alarm devices, and other appurtenances;
- (4) two (2) hours to learn the acceptable type, configuration, and material--which may or may not be required for a water supply--including but not limited to: backflow preventers, shut off valves, water meters, water flow detectors, tamper switches, test connections, pressure gages, minimum pipe sizes, storage tanks, and wells including the ability to perform a water flow test of a city water supply;
- (5) eight (8) hours to learn which rooms require sprinklers and the correct positioning of a sprinkler head based on its type, listing, temperature rating, and the building structure, including but not limited to: understanding the concepts of the area of coverage, spacing, distance from walls and ceilings, listing limitations, dead air pockets, manufacturer's requirements and obtaining knowledge of how structural features such as flat, sloped, pocket, or open joist ceilings, close proximity to heat sources and other obstructions such as ceiling fans, surface mounted lights, beams, and soffits may adversely influence the location of a sprinkler head;
- (6) three (3) hours to learn critical hydraulic concepts for the installer that may adversely affect the original design plan due to field construction changes, including but not limited to: remote area sprinkler operation, flow versus pressure, elevation pressure loss, sprinkler K-factors, fixture units, minimum pipe diameters, additional pipe lengths and understand which household water appliances affect or do not affect the sprinkler hydraulics/performance; and
- (7) two (2) hours to learn the required testing, maintenance and documentation, including but not limited to: the final inspection and tests normally required by the local fire official, when permits, working plans, as-built plans or hydraulic calculations are required and who provides for the system maintenance and instructions.

(c) An applicant who holds a current Master or Journeyman Plumber License issued by the Board and a current RME-General or RME-Dwelling License issued by the State Fire Marshal's Office, Texas Department of Insurance, is exempted from completing the training program required by subsection (a)(2) of this section prior to taking the Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement examination.

§363.11 Water Supply Protection Specialist Endorsement

(a) To be eligible for a Water Supply Protection Specialist Endorsement an applicant must:

- (1) hold a current Journeyman Plumber, Master Plumber License or Plumbing Inspector License; and
- (2) complete a Board-approved training program based on the Federal Safe Drinking Water Act and the Federal Clean Water Act, on-site wastewater and site evaluations and graywater re-use, water quality training and water treatment, water utilities systems and regulations, water conservation, rainwater harvesting systems, xeriscape irrigation, fire protection systems, backflow prevention, and state laws regulating lead contamination in drinking water.

(b) At a minimum the training program required by subsection (a)(2) of this section shall be at least twenty-four (24) hours with a maximum of eight (8) hours of instruction per day and include:

- (1) a six (6) hour review of the significance of cross-connections, the principles of back pressure and back siphonage, thermal expansion, the acceptable devices and/or requirements for a public water supply system including, but not limited to, approved backflow protection devices, shut-off valves, water meters, and containment vessels;
- (2) a two (2) hour review of the applicable standards, codes, and laws, including but not limited to: the Plumbing License Law, Board rules, the Texas Commission on Environmental Quality rules relating to a public water supply and water reuse, as described in the Texas Water Development Board's Rainwater Harvesting Manual, and the Texas A&M AgriLife Extension Service recommendations;
- (3) a four (4) hour review of the specific parts and terminology, and the concepts and components of a rainwater harvesting system, including proper sizing for all water reuse systems;
- (4) an eight (8) hour review of the acceptable type, material, location, limitation, and correct installation of equipment related to the treatment and reuse of water;
- (5) four (4) hours devoted to the elements of a proper customer service inspection as required by the Texas Commission on Environmental Quality; and
- (6) information specific to rainwater harvesting as outlined in the latest edition of the Texas Water Development Board's Rainwater Harvesting Manual.

(c) In addition to the information described in subsection (b)(6) of this section, a training program may include the latest edition of the Uniform Plumbing Code Rainwater Harvesting Seminar Manual, or the latest edition of the International Plumbing Code or the International Green Construction Code.

§363.12 Residential Utilities Installer Registration

To be eligible for a Residential Utilities Installer Registration an applicant must:

- (1) hold a current Plumber's Apprentice Registration;
- (2) have completed at least 2,000 hours working at the trade under the direct supervision of a Tradesman Plumber-Limited, Journeyman Plumber, or Master Plumber, and the supervision of a RMP, as verified by employers; and
- (3) complete a Board-approved training program.

§363.13 Drain Cleaner Registration

To be eligible for a Drain Cleaner Registration an applicant must:

- (1) hold a current Plumber's Apprentice Registration;
- (2) have completed at least 4,000 hours working at the trade as a Drain Cleaner-Restricted Registrant under the supervision of a RMP, as verified by employers; and
- (3) complete a Board-approved training program.

§363.14 Drain Cleaner-Restricted Registration

To be eligible for a Drain Cleaner-Restricted Registration an applicant must:

- (1) hold a current Plumber's Apprentice Registration; and
- (2) complete a Board-approved training program.

§363.15 Consequences to an Applicant With Criminal Convictions

(a) The Board shall revoke any and all registrations, licenses, or endorsements held by an individual if the individual is incarcerated due to a felony conviction, felony community supervision revocation, revocation of parole or revocation of mandatory supervision. The Board shall automatically deny an application submitted by an individual who, at the time the application is submitted, is incarcerated because of a felony conviction, felony community supervision revocation, revocation of parole or revocation of mandatory supervision.

(b) The Board shall review the application of an individual that has been convicted of a felony or misdemeanor directly related to plumbing to determine whether to disqualify the individual from receiving a registration, license or endorsement, or deny the individual the opportunity to take an examination.

(c) In determining whether a criminal offense is directly related to plumbing, the Board shall consider:

- (1) the nature and seriousness of the crime;
- (2) the relationship of the crime to the purposes for requiring a license or registration to perform plumbing or plumbing inspections;
- (3) the extent to which a license or registration might offer an opportunity to engage in further criminal activity of the same type as that in which the applicant had previously been involved; and
- (4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of registered and licensed individuals performing plumbing or plumbing inspections.

(d) In addition to the factors listed in subsection (c) of this section, the Board, in determining whether an applicant who has been convicted of a crime is fit for licensure, shall consider:

- (1) the extent and nature of the applicant's past criminal activity;
- (2) the age of the applicant when the crime was committed;
- (3) the amount of time that has elapsed since the applicant's last criminal activity;
- (4) the amount of time that has elapsed since the applicant's release from incarceration;

- (5) the conduct and work activity of the applicant before and after the criminal activity;
 - (6) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or after release;
 - (7) letters of recommendation signed and dated by a current employer, if the applicant is employed, or a previous employer, stating that the employer has specific and complete knowledge of the applicant's criminal history and stating the reasons that the employer is recommending that the applicant be considered fit and not a threat to the public's health, safety and welfare; and
 - (8) letters of recommendation signed and dated by any other person in contact with the applicant.
- (e) An applicant who has been convicted of a felony shall obtain and submit to the Board:
- (1) a fully-completed Supplemental Criminal History Information Form signed by the applicant;
 - (2) the letters of recommendation described in subsections (d)(7) and (8) of this section; and
 - (3) proof, in the form required by the Board, that the applicant has:
 - (A) maintained a record of steady employment;
 - (B) supported the applicant's dependents, if any;
 - (C) maintained a record of good conduct;
 - (D) paid all outstanding court costs, supervision fees, fines and restitution ordered in any criminal case in which the applicant has been convicted; and
 - (E) successfully completed all court-ordered or voluntary rehabilitation classes, courses or programs.
- (f) An applicant who has been convicted of a misdemeanor shall obtain and submit a Supplemental Criminal History Form only if requested by the Enforcement Committee.
- (g) In addition to the information listed in subsection (e) of this section, an applicant with a conviction of a sexual nature shall obtain and provide to the Board the written results of a standard, nationally-recognized testing and evaluation of the applicant, recently performed by a licensed professional therapist or counselor who is certified as a Registered Sex Offender Treatment Provider in the State of Texas, to determine the level of likelihood for the applicant to commit future crimes of a sexual nature.
- (h) If required by the Board, the applicant shall meet all requirements necessary for the Board to access the applicant's criminal history record information maintained by the Department of Public Safety and the Federal Bureau of Investigation, including submitting fingerprint information and paying the required fees.
- (i) The Enforcement Committee may approve, without Board approval, the application for a license, endorsement or registration of an individual who has a criminal conviction, if the Enforcement Committee finds that the criminal conviction is not directly related to plumbing.

- (1) The Enforcement Committee may request an applicant with a criminal conviction to appear before the committee and present information relating to the applicant's criminal conviction.
- (2) If the Enforcement Committee determines that an applicant is ineligible for a license, endorsement or registration based on the applicant's criminal conviction, the Enforcement Committee shall give timely notice of the denial to the applicant at the applicant's last known address on file with the Board. The notice shall inform the denied applicant of the applicant's right to request in writing, within twenty (20) days of the mailing of the notice of denial, a hearing before an administrative law judge of the State Office of Administrative Hearings to review the Enforcement Committee's determination.
- (3) If a denied applicant fails to submit a timely request for a hearing under paragraph (2) of this subsection, the Enforcement Committee's decision is rendered final. A denied applicant may not apply for a new registration, license or endorsement before the first anniversary of the date the denial becomes final.
- (4) If a denied applicant requests a hearing under paragraph (2) of this subsection, the Board shall determine the applicant's eligibility after reviewing the Proposal for Decision issued by the administrative law judge, and provide the denied applicant a written statement containing:
 - (A) the reason for the suspension, revocation, denial or disqualification;
 - (B) the judicial review procedure provided by §53.052 of the Texas Occupations Code; and
 - (C) the earliest date the applicant may appeal the action of the licensing authority.
- (5) An applicant who is denied after a hearing held under paragraph (2) of this subsection may not apply for a new registration, license or endorsement before the first anniversary of the date the denial becomes final.

§363.16 Examination Schedule

- (a) The Board shall conduct examinations on a regular basis according to demand.
- (b) Applications will be processed and exams will be scheduled on a first-come, first-served basis, unless an application is subject to review under Chapter 53 of the Texas Occupations Code and §363.15 of this chapter. The Board will not process incomplete applications.
- (c) Once an applicant is scheduled for an exam, the Board shall provide the applicant with written notification of the time, date and place of examination.

§363.17 Reporting for Examination

- (a) An applicant shall report promptly at the place of the examination.
- (b) If an applicant is scheduled for an examination and cannot appear, the applicant must notify the Chief Examiner in writing, postmarked no later than ten (10) business days before the scheduled examination date. An applicant who fails to appear or does not give the required notice shall forfeit the examination fee and must submit a new exam application and fee.
- (c) An applicant who fails to appear for an exam due to an excused emergency may reschedule once without having to submit a new exam application and fee.

- (1) An applicant must submit a written request to reschedule an exam to the Chief Examiner, postmarked no later than five (5) business days after the original examination date, that includes an explanation of the emergency that caused the applicant's failure to appear.
 - (2) An applicant who does not submit a request to reschedule within the required time period must submit a new exam application and fee.
- (d) The following are considered excused emergencies:
- (1) a death in the applicant's family;
 - (2) illness or hospitalization of the applicant or a member of the applicant's immediate family;
 - (3) an automobile accident on the day of the examination;
 - (4) any other unplanned event that is serious enough to prevent the applicant from appearing for the exam if approved by the Chief Examiner.
- (e) Emergencies will be subject to verification by the Chief Examiner. Scheduling conflicts due to work will not be considered an excused emergency.

§363.18 Description of Examination

- (a) For each license and endorsement, the Board shall design and conduct a uniform, reasonable examination that includes written questions and practical applications, when appropriate.
- (b) In addition to the information described in §363.16(c) of this chapter, the Board shall furnish an applicant with written information explaining the scope of the examination. The Board shall also make the information about the scope of each examination it administers accessible on its website.

§363.19 Non-Standard Examination Accommodations

- (a) An applicant seeking to take an examination with non-standard accommodations shall submit an Applicant Request for Non-Standard Examination Accommodations Form and a Physician or Qualified Licensed Professional Recommendation for Non-Standard Examination Accommodations Form to be used by the Chief Examiner to determine whether the applicant qualifies for non-standard examination accommodations.
- (b) Due to the duties and responsibilities of registrants and licensees to protect the health and safety of the public, the Board shall not allow Examiners to provide oral versions of the written components of examinations.
- (1) Examiners may give oral instructions and explanations to individuals taking an examination.
 - (2) An applicant who has been diagnosed by a physician or other qualified licensed professional as having a specific learning or reading disability, such as dyslexia, may request additional time to complete an examination, a separate examination area or other reasonable accommodation.
- (c) The Board shall reserve the right to make all final decisions regarding reasonable examination accommodations and may require a consultation by an expert of its choosing for a second opinion, if it determines that it is necessary for a particular applicant.

§363.20 Test Score Requirements

The board may set and adjust minimum passing scores as it deems appropriate for each license or endorsement category examination.

§363.21 Notification

The Board shall notify applicants of their examination results within thirty (30) days after the examination is administered, and, if requested within two weeks of notification, shall provide an applicant with an analysis of the applicant's examination performance.

§363.22 Reexamination

(a) An applicant that fails a single part of a multiple part examination may retake the part that was failed without having to retake the entire examination.

- (1) A failing score on a single part of an examination is a score of 69.9 points or less.
- (2) A time limit of three (3) hours is allotted for reexamination of the part that was failed.
- (3) The applicant must submit a new exam application and fee in order to retake the part that was failed.

(b) An applicant that fails more than a single part of a multiple part examination must retake the entire examination.

(c) An applicant who fails any part or parts of an examination shall complete a training period before the applicant may retake the examination. The length of the required training period is determined by the number of times the applicant has failed as follows:

- (1) first failure: 30-day training period;
- (2) second failure: 60-day training period; and
- (3) third and subsequent failures: 90-day training period.

§363.23 Disqualification

(a) The Board shall disqualify an applicant from receiving a registration or deny an applicant the opportunity to be examined for a license if it discovers that the applicant furnished false information on an application or used any fraudulent means of establishing the applicant's qualifications.

(b) The Board may initiate disciplinary action against any applicant, registrant or licensee who furnishes false information on any certifications, other forms, or renewals distributed by the Board.

§363.24 Providers and Instructors of Endorsement Training Programs

(a) Only a Course Provider who is approved to provide CPE courses, under §365.16 of the Board rules may provide or instruct a training program required by §§363.9-363.11 of this chapter.

- (1) Once approved under §365.16 of the Board Rules, a Course Provider is automatically approved to provide the training required by §§363.9-363.11 of this chapter and is not required to submit a separate application to the Board.
- (2) An approved Course Provider may utilize another governmental or industry-recognized entity to provide a portion of the course instruction so long as an approved Course Instructor is also present.

(b) Only a Course Instructor who is approved to instruct CPE courses, under §365.17 of the Board rules may instruct a training program required by §363.9 of this chapter provided that the instructor:

- (1) is licensed as a Master Plumber or Journeyman Plumber; and
- (2) holds the Medical Gas Piping Installation Endorsement.

(c) Only a Course Instructor who is approved to instruct CPE courses, under §365.17 of the Board rules may instruct a training program required by §363.10 and §363.11 of this chapter provided that the instructor:

- (1) is licensed as a Master Plumber, Journeyman Plumber or Plumbing Inspector; and
- (2) holds the endorsement that corresponds to the training program the Instructor will teach.

(d) A Course Provider or Instructor whose approval under §365.16 or §365.17 of the Board Rules is suspended or revoked for any reason, may not provide or instruct the training required by §§363.9-363.11 of this chapter.

(e) All Course Providers and Instructors shall:

- (1) adhere to the instruction criteria approved by the Board in this section; and
- (2) ensure that only students who receive the specified number of hours of instruction (excluding any time spent on breaks from instruction) receive credit for completing the training required by §§363.9-363.11 of this chapter.

(f) The training required by §§363.9-363.11 of this chapter may be provided in increments, as appropriate.

- (1) A Course Provider or Instructor shall provide a certificate of completion to a student upon completion of the training.
- (2) The certificate of completion shall state:
 - (A) the title of the endorsement training program;
 - (B) the names of the Course Provider and Course Instructor;
 - (C) the name and license number of the student; and
 - (D) the date that the instruction was completed.
- (3) A Course Provider shall maintain an electronic copy or record of each certificate of completion for at least two (2) years after the date the certificate was issued.

(g) A Course Provider shall:

- (1) notify the Board at least seven (7) days before conducting an endorsement training program or post electronic notice of the class schedule, including the dates(s), time(s) and place(s) class(es) will be held, on the provider's website at least seven (7) days before conducting a class;
- (2) perform self-monitoring to ensure compliance with this section and reporting as required by the Board; and
- (3) submit a course outline that includes the number of hours of instruction on each topic included in the outline to the Board for approval.

(h) The Board may monitor endorsement training programs to ensure compliance with all applicable laws and Board rules and may deny, suspend or revoke approval of a Course Provider or Instructor who fails to comply.

(i) The Board may require a Course Provider to resubmit a previously-approved course outline for an endorsement training program at any time in order to ensure the program meets the current requirements of the plumbing codes, laws, and administrative rules applicable to the specific training program.

§363.25 Providers and Instructors of Training Programs for Journeyman Plumber and Tradesman Plumber-Limited License Applicants

(a) Only a Course Provider or Course Instructor who is approved to provide or instruct CPE courses under §365.16 or §365.17 of the Board rules may provide or instruct the classroom training required by §363.5(a)(2) and §363.6(a)(1) of this chapter.

- (1) Once approved under §365.16 or §365.17 of the Board rules, a Course Provider or Instructor is automatically approved to provide or instruct the training required by §363.5(a)(2) and §363.6(a)(1) of this chapter and is not required to submit a separate application for approval to the Board.
- (2) A Course Provider or Instructor whose approval under §365.16 or §365.17 of the Board Rules is suspended or revoked for any reason, may not provide or instruct the training required by §363.5(a)(2) and §363.6(a)(1) of this chapter.

(b) In addition to the meeting the requirements of subsection (a) of this section, a Course Instructor must be authorized by OSHA to provide the training described in §363.5(f)(2) of this chapter. A person who is authorized by OSHA, but is not approved under §365.17 of the Board Rules, may teach the training described in §363.5(f)(2) of this chapter through an approved Course Provider so long as an approved Course Instructor is also present.

(c) Course Providers and Instructors approved to provide or instruct the training required by §363.5(a)(2) and §363.6(a)(1) of this chapter shall:

- (1) adhere to the instruction criteria described in §363.5(f)-(g) and §363.6(e) of this chapter;
- (2) ensure that only students who complete the specified number of contact hours of instruction (excluding any time spent on breaks from instruction) receive credit for completing the training required by §363.5(a)(2) and §363.6(a)(1) of this chapter;
- (3) provide notice of intent to conduct training required by §363.5(a)(2) and §363.6(a)(1) of this chapter in the same manner required by §365.19(i) of the Board rules; and
- (4) abide by the same standards of conduct described in §365.20 of the Board rules when providing the training required by §363.5(a)(2) and §363.6(a)(1) of this chapter.

(d) The training required by §363.5(a)(2) and §363.6(a)(1) of this chapter may be provided in increments, as appropriate.

- (1) The Course Provider or Instructor shall provide a certificate of completion to the student for each increment completed.
- (2) The certificate of completion shall state:

- (A) the names of the Course Provider and Course Instructor;
 - (B) the name and registration or license number of the student;
 - (C) the specific instruction and number of hours completed; and
 - (D) the date that the increment of instruction was completed.
- (3) The Course Provider shall maintain an electronic copy or record of each certificate of completion for at least six (6) years after the date the certificate was issued.
- (e) An applicant for examination is responsible for the safekeeping of each original certificate of completion earned by the applicant until such time that the applicant:
- (1) has completed the training required under §363.5(a)(2) and §363.6(a)(1) of this chapter;
 - (2) has met all other requirements under §363.5 or §363.6 of this chapter to qualify to take the Tradesman Plumber-Limited or Journeyman Plumber examination; and
 - (3) has submitted the original certificates of completion along with the appropriate examination application and other required documentation to the Board.
- (f) Providing false certificates of completion or any other false information related to the training required by §363.5(a)(2) and §363.6(a)(1) of this chapter to the Board may result in:
- (1) the denial of the applicant's examination application;
 - (2) disciplinary action, as provided by the Plumbing License Law, Board Rules or other laws of this state; or
 - (3) both.

§363.26 Training Program for Responsible Master Plumber Applicants

(a) Before a Master Plumber acts as a Responsible Master Plumber (RMP), the Master Plumber must complete a Board-approved training program that includes instruction on the laws and rules applicable to the operation of a plumbing business in this state. The requirements of this section do not apply to a RMP who, on or before January 1, 2012, provided the Board with a Certificate of Insurance that:

- (1) met the requirements of §1301.552 of the Plumbing License Law and §367.3 of the Board Rules; and
- (2) was effective on January 1, 2012.

(b) The training program required under subsection (a) of this section must be a minimum of twenty-four (24) hours in length and include instruction in the following subjects applicable to the operation of a plumbing business in this state:

- (1) finance;
- (2) legal;
- (3) local, state and federal rules and regulations;
- (4) insurance/bonds, including workman's compensation insurance;
- (5) OSHA requirements awareness; and
- (6) customer service.

(c) Only a Course Provider who is approved to provide CPE courses under §365.16 of the Board Rules may provide the classroom training required by this section.

- (1) To provide the training required by this section, an approved Course Provider may utilize:
 - (A) a Course Instructor who is approved to instruct CPE under §365.17 of the Board Rules and has expertise in the subject described in subsection (b) of this section that the instructor will teach;
 - (B) a governmental entity, educational entity or individual with expertise in the subject described in subsection (b) that the entity or individual will teach so long as an approved Course Instructor is also present; or
 - (C) a combination thereof.
- (2) Once approved under §365.16 or §365.17 of the Board Rules, a Course Provider or Instructor is automatically approved to provide or instruct the training required by this section and is not required to submit a separate application for approval to the Board.
- (3) A Course Provider or Instructor whose approval to provide or instruct CPE courses under §365.16 or §365.17 of the Board Rules is suspended or revoked for any reason, may not provide or instruct the training required by this section.

(d) Course Providers and Instructors approved to provide or instruct the training required by this section shall:

- (1) adhere to the instruction criteria in subsections (a) and (b) of this section;
- (2) ensure that only students who complete the specified number of contact hours of instruction (excluding any time spent on breaks from instruction) receive credit for completing the training required by this section;
- (3) provide notice of intent to conduct training required by this section in the same manner required by §365.19(i) of the Board Rules;
- (4) abide by the standards of conduct described in §365.20 of the Board Rules; and
- (5) adhere to the class size limitations set forth in §365.19(f) of the Board Rules.

(e) The training required by this section may be provided in increments, as appropriate.

- (1) The Course Provider or Instructor shall provide a certificate of completion to the student for each increment completed.
- (2) The certificate of completion shall state:
 - (A) the names of the Course Provider and Course Instructor;
 - (B) the name and license number of the student;
 - (C) the specific instruction and number of hours completed; and
 - (D) the date that the increment of instruction was completed.
- (3) The Course Provider shall maintain an electronic copy or record of each certificate of completion for at least six (6) years after the date the certificate was issued.

(f) Prior to the date that the Master Plumber begins acting as a RMP, the Master Plumber shall submit to the Board:

- (1) a certificate or certificates of completion of the training required by this section; and
- (2) a Certificate of Insurance as required by §1301.3576 of the Plumbing License Law and §367.3 of the Board Rules.

(g) Providing false certificates of completion or any other false information related to the training required by this section to the Board may result in disciplinary action, as provided by the Plumbing License Law, Board Rules or other laws of this state.

§363.27 Criminal Conviction Guidelines

(a) Licensed individuals are required to exercise independent judgment and carry out their duties and responsibilities without risking the health, safety, welfare and property of the public. It is estimated that the majority of Plumber's Apprentices are working toward licensure; therefore, the Board has determined that the duties and responsibilities listed in subsection (b) of this section apply to both licensees and registrants.

(b) After considering the factors set forth in §53.022 of the Texas Occupations Code, the Board has identified the following, non-exhaustive list of duties and responsibilities of individuals performing plumbing or plumbing inspections:

- (1) entering a consumer's home or a place of business, including but not limited to:
 - (A) private residences;
 - (B) apartment complexes;
 - (C) schools;
 - (D) child care facilities;
 - (E) elder care facilities;
 - (F) health care facilities;
 - (G) financial institutions; and
 - (H) businesses where valuable merchandise is stored and sold;
- (2) making personal contact with consumers and their families, including elderly persons and minor children;
- (3) engaging in contractual and financial transactions with consumers;
- (4) representing the employer and taking responsibility for vehicles and tools provided by the employer;
- (5) ensuring safety when working with hazardous, explosive or volatile materials;
- (6) complying with laws, rules, ordinances and codes that regulate plumbing; and
- (7) working with officials who are carrying out their duties to enforce laws, rules, ordinances and codes that regulate plumbing, including:
 - (A) Field Representatives of the Board;
 - (B) Plumbing Inspectors; and
 - (C) other law enforcement officers.

(c) Due to the nature of the duties and responsibilities stated in subsection (b) of this section, the Board has determined that the following offenses are directly related to plumbing (list is not exhaustive):

- (1) Any crime of a sexual nature that requires the convicted person to be registered as a sex offender under Chapter 62 of the Texas Code of Criminal Procedure, including:
 - (A) Aggravated Sexual Assault;
 - (B) Aggravated Rape;
 - (C) Sexual Assault;
 - (D) Rape;
 - (E) Statutory Rape;
 - (F) Indecency with a Child (including exposure);
 - (G) Prohibited Sexual Conduct;
 - (H) Sexual Performance by a Child;
 - (I) Possession or Promotion of Child Pornography;
 - (J) Aggravated Kidnapping (with the intent to commit an illegal act of a sexual nature);
 - (K) Kidnapping (with the intent to commit an illegal act of a sexual nature);
 - (L) Unlawful Restraint (with the intent to commit an illegal act of a sexual nature);
 - (M) Burglary (with the intent to commit an illegal act of a sexual nature);
 - (N) Indecent Exposure;
 - (O) Public Lewdness; or
 - (P) Improper Photography or Visual Recording.
- (2) Any crime of a sexual nature regardless of whether the convicted person is required to be registered as a sex offender under Chapter 62 of the Texas Code of Criminal Procedure;
- (3) Capital Murder;
- (4) Murder;
- (5) Criminal Negligent Homicide;
- (6) Manslaughter;
- (7) Aggravated Kidnapping;
- (8) Kidnapping;
- (9) Unlawful Restraint;
- (10) Injury to a Child, Elderly Individual or Disabled Individual;
- (11) Burglary of a Habitation;
- (12) Burglary of a Building;
- (13) Burglary of an Automobile;
- (14) Robbery;

- (15) Theft;
- (16) Fraud;
- (17) Forgery;
- (18) Arson;
- (19) Aggravated Assault of a Police Officer (or other public official);
- (20) Aggravated Assault;
- (21) Assault;
- (22) Illegal Drug Related Crimes;
- (23) Terroristic Threat; or
- (24) Any criminal violation of laws or ordinances that regulate plumbing or the practice of plumbing.

(d) The Enforcement Committee shall use the following levels of risk in determining the fitness of an applicant who has been convicted of a crime to perform the duties and discharge the responsibilities of registered and licensed individuals performing plumbing or plumbing inspections. The levels of risk are listed in order from highest to lowest. The Enforcement Committee shall consider those applicants with convictions of a sexual nature or first degree felony to be the highest risk and those applicants who have a conviction other than that of a sexual nature or first degree felony, and who have completed all required consequences of the conviction more than five years prior to the date of application to be the lowest risk.

- (1) Level One - Applicants who have:
 - (A) a conviction of a sexual nature listed in subsections (c)(1) and (2) of this section; or
 - (B) a conviction for a first-degree felony.
- (2) Level Two - Applicants who have a conviction for a second-degree felony.
- (3) Level Three - Applicants who have a conviction other than specified in Level One or Level Two, whose conviction, incarceration, probation, parole, mandatory supervision, court costs or any other fees (including restitution) were completed less than five (5) years prior to the date of application, or are still being completed.
- (4) Level Four - Applicants who have convictions other than specified in Level One and Level Two, whose conviction, incarceration, probation, parole, mandatory supervision, court costs or any other fees (including restitution) were completed more than five (5) years prior to the date of application. Written proof of completion from the court, probation or parole officer must be submitted by the applicant.

(e) Applicants with convictions that place them in more than one level of risk, shall be classified using the highest applicable level of risk.

(f) Applicants with multiple convictions will be considered an increased risk, depending on the number and types of convictions.

(g) The Enforcement Committee shall use these guidelines and follow the requirements of §363.15 of this chapter when reviewing applications for registration, examination and renewal of registrations, licenses and endorsements, to determine the fitness of applicants for licensure.

CHAPTER 365 LICENSING AND REGISTRATION**§365.1 License, Endorsement and Registration Categories; Scope of Work Permitted**

(a) Pursuant to §1301.002 and §1301.351 of the Plumbing License Law and §361.1 of the Board Rules, the scope of plumbing work an individual may perform is dictated by the type of license, endorsement, registration or combination thereof held by the individual.

(b) An individual who holds a current Master Plumber License and meets the requirements of a Responsible Master Plumber (RMP) under §1301.3576 of the Plumbing License Law and §367.3(a) of the Board Rules:

- (1) May advertise or otherwise offer to perform or provide plumbing to the general public;
- (2) May enter into contracts or agreements to perform plumbing;
- (3) Shall obtain plumbing permits to perform plumbing work;
- (4) May perform plumbing work without supervision; and
- (5) Shall supervise plumbing work performed by other licensees or registrants.

(c) An individual who holds a current Journeyman or Master Plumber License may perform or supervise plumbing work:

- (1) under the supervision of a RMP; and
- (2) only under contracts or agreements to perform plumbing work secured by a RMP or a person who has secured the services of a RMP in accordance with §367.3(a)(2) of the Board Rules.

(d) An individual who holds a current Tradesman Plumber-Limited License may:

- (1) perform or supervise plumbing work on one or two-family dwellings:
 - (A) under the supervision of a RMP; and
 - (B) only under contracts or agreements to perform plumbing secured by a RMP or a person who has secured the services of a RMP in accordance with §367.3(a)(2) of the Board Rules; or
- (2) assist in the installation of plumbing other than for one or two-family dwellings under the on-the-job supervision of a Journeyman or Master Plumber.

(e) An individual who holds a current Plumbing Inspector License may perform plumbing inspections as an employee or independent contractor of a political subdivision or state agency for compliance with health and safety laws and ordinances.

- (1) An individual who holds a current Plumbing Inspector License with a current Medical Gas Piping Installation Endorsement may perform inspections of piping that is used solely to transport gases used for medical purposes.
- (2) An individual who holds a current Plumbing Inspector License with a current Water Supply Protection Specialist Endorsement may perform inspections of plumbing work associated with the treatment, use and distribution of rainwater to supply a plumbing fixture, appliance, or irrigation system.
- (3) An individual who holds a current Plumbing Inspector License with a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement may perform inspections of multipurpose residential fire protection sprinkler systems installed in a one or two-family dwelling.

(f) An individual who holds a current Journeyman or Master Plumber License with a current Medical Gas Piping Installation Endorsement may install piping that is used solely to transport gases used for medical purposes:

- (1) under the supervision of a RMP who holds a current Medical Gas Piping Installation Endorsement; and
- (2) only under contracts or agreements to perform medical gas piping installations secured by a RMP who holds a current Medical Gas Piping Installation Endorsement or a person who has secured the services of a RMP, in accordance with §367.3(a)(2) of the Board Rules, who holds a current Medical Gas Piping Installation Endorsement.

(g) An individual who holds a current Journeyman or Master Plumber License with a current Water Supply Protection Specialist Endorsement may:

- (1) perform Customer Service Inspections pursuant to 30 Tex. Admin. Code §290.46(j). Minimum Acceptable Operating Practices for Public Drinking Water Systems; or
- (2) install, service or repair plumbing associated with the treatment, use and distribution of rainwater to supply a plumbing fixture, appliance, or irrigation system:
 - (A) under the supervision of a RMP who holds a current Water Supply Protection Specialist Endorsement; and
 - (B) only under contracts or agreements to perform, install, service, and repair plumbing associated with the use and distribution of rainwater to supply a plumbing fixture, appliance, or irrigation system secured by a RMP who holds a current Water Supply Protection Specialist Endorsement or a person who has secured the services of a RMP, in accordance with §367.3(a)(2) of the Board Rules, who holds a current Water Supply Protection Specialist Endorsement.
- (3) A Water Supply Protection Specialist Endorsement shall not be used in lieu of a Plumbing Inspector License to perform plumbing inspections required under §1301.255 and §1301.551 of the Plumbing License Law; however, a Plumbing Inspector may perform the inspection described in paragraph (1) of this subsection even if the individual does not hold a Water Supply Protection Specialist Endorsement.

(h) An individual who holds a current Journeyman or Master Plumber License with a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement may install a multipurpose residential fire protection sprinkler system in a one or two-family dwelling:

- (1) under the supervision of a RMP who holds a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement; and
- (2) only under contracts or agreements to perform multipurpose residential fire protection sprinkler system installations secured by a RMP who holds a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement or a person who has secured the services of a RMP, in accordance with §367.3(a)(2) of the Board Rules, who holds a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement.

(i) An individual who holds a current Plumber's Apprentice Registration may assist a licensee with the installation of plumbing:

- (1) under the direct supervision of a person licensed by the Board;
- (2) under the supervision of a RMP; and
- (3) only under contracts or agreements to perform plumbing work secured by a RMP or a person who has secured the services of a RMP.

(j) In addition to the scope of work described in subsection (i) of this section, an individual who holds a current Plumber's Apprentice Registration and a current Residential Utilities Installer Registration may construct and install only yard water service piping and building sewers for one or two-family dwellings:

- (1) under the supervision of a RMP; and
- (2) only under contracts or agreements to perform plumbing work secured by a RMP or a person who has secured the services of a RMP in accordance with §367.3(a)(2) of the Board Rules.

(k) In addition to the scope of work described in subsection (d) or (i) of this section, an individual who holds a current Tradesman Plumber-Limited License or Plumber's Apprentice Registration and a current Drain Cleaner Registration may install cleanouts and remove and reset p-traps for the purposes of eliminating obstructions in building drains and sewers:

- (1) under the supervision of a RMP; and
- (2) only under contracts or agreements to perform plumbing work secured by a RMP or a person who has secured the services of a RMP in accordance with §367.3(a)(2) of the Board Rules.

(l) In addition to the work described in subsection (i) of this section, an individual who holds a current Plumber's Apprentice Registration and a current Drain Cleaner-Restricted Registration may clear obstructions in sewer and drain lines through any existing code-approved opening:

- (1) under the supervision of a RMP; and
- (2) only under contracts or agreements to perform plumbing work secured by a RMP or a person who has secured the services of a RMP in accordance with §367.3(a)(2) of the Board Rules.

§365.2 Exemptions

The following plumbing work may be performed without a license but shall be subject to inspection and approval in accordance with all applicable local, city or municipal ordinances:

- (1) Plumbing work done by a property owner in the property owner's homestead;
- (2) Plumbing work that is not performed in conjunction with new construction, repair or remodeling, and is performed on a property that is:
 - (A) located in a subdivision or on a tract of land that is not required to be platted under §232.0015 of the Local Government Code;
 - (B) not connected to a public water system and is located outside a municipality;

- (C) located outside a municipality and connected to a public water system that does not require a license to perform plumbing; or
- (D) located inside a municipality that is within a county that has fewer than 50,000 inhabitants and that:
 - (i) has fewer than 5,000 inhabitants; and
 - (ii) by municipal ordinance has authorized a person who is not licensed under this the Plumbing License Law to perform plumbing.
- (3) Verification of medical gas and vacuum piping integrity and content;
- (4) Work done on existing plumbing by a maintenance man or maintenance engineer that is incidental or connected to other maintenance duties, provided that such an individual does not engage in cutting into fuel gas plumbing systems, the installation of gas-fueled water heaters or plumbing work for the general public;
- (5) Plumbing work done by a railroad employee on the premises or equipment of a railroad, provided such an individual does not engage in plumbing work for the general public;
- (6) Plumbing work done by a person engaged by a public utility company to:
 - (A) lay, maintain, or operate its service mains or lines to the point of measurement; and
 - (B) install, change, adjust, repair, remove or renovate appurtenances, equipment, or appliances;
- (7) Appliance installation or appliance service work, other than installation and service work on water heaters, done by bona fide appliance dealers and their employees that do not offer to perform plumbing work to the general public, in connecting appliances to existing openings with a code approved appliance connector without cutting into or altering the existing plumbing system;
- (8) Irrigation work done by an individual licensed by the Texas Commission on Environmental Quality under Chapter 1903 of the Texas Occupations Code, as an irrigator or installer;
- (9) Liquid Petroleum (LP) Gas service and installation work done by an individual working and licensed by the Texas Railroad Commission under Chapter 113 of the Texas Natural Resources Code as a LP Gas Installer;
- (10) Water Treatment Specialists licensed by the Texas Commission on Environmental Quality under §341.034 of the Texas Health and Safety Code may engage in residential, commercial or industrial water treatment activities including making connections necessary to complete the installation of a water treatment system;
- (11) Water well pump installation and service work performed by an individual licensed by the Texas Commission on Environmental Quality under Chapter 1902 of the Texas Occupations Code;
- (12) Residential potable water supply or residential sanitary sewer connections performed by an organization certified by the Texas Commission on

Environmental Quality to perform self-help project assistance on a self-help project, which complies with §1301.057 of the Plumbing License Law; and

- (13) Water treatment installations, exchanges, services, or repairs.

§365.4 Issuance of License, Registration or Endorsement

(a) Upon verification of an applicant's qualifications, the Board shall promptly issue a license, registration or endorsement; however, the Board may refuse to issue the license, registration or endorsement and require reexamination of any applicant who has not remitted the appropriate licensing fee within ninety (90) days of completion of the examination.

(b) In addition to the applicant, a political subdivision may pay the licensing fee for an applicant who has met the qualifications for a Plumbing Inspector License.

- (1) Upon receipt of payment, the Board will show the individual's license status as current.
- (2) The Board will show the licensee as unaffiliated and delay the issuance of his or her pocket card until written confirmation of the licensee's current employment or contractual agreement with a political subdivision to perform plumbing inspections within that political subdivision is provided by an authorized representative of the political subdivision.

(c) Licenses, endorsements and registrations issued by the Board shall be valid throughout the state, but shall not be assignable or transferable, except as provided by §1301.406 of the Plumbing License Law and §365.23 of this chapter.

§365.5 Renewal of License, Registration or Endorsement

(a) The Board shall send a written or electronic notice informing a licensee or registrant of the impending expiration of a license, registration or endorsement at least thirty-one (31) days before its expiration date to the licensee's last known mailing address, or email address if the notice is electronic, according to Board records. It is the responsibility of a licensee or registrant to renew, by its expiration date, each license, registration or endorsement held even if the licensee or registrant fails to receive the notice.

(b) A licensee or registrant may renew an unexpired license, registration or endorsement before its expiration date by meeting all renewal requirements and paying the fee required by the Board.

(c) A license, Plumber's Apprentice Registration, Residential Utilities Installer Registration, Drain Cleaner Registration, or Drain Cleaner-Restricted Registration must be renewed annually. A Medical Gas Piping Installation Endorsement, Water Supply Protection Specialist Endorsement, and Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement must be renewed once every three (3) years.

(d) A person seeking to renew a Plumbing Inspector, Master Plumber, Journeyman Plumber or Tradesman Plumber-Limited License, or a Drain Cleaner, Drain Cleaner-Restricted or Residential Utilities Installer Registration must successfully complete the required continuing professional education (CPE) course in person or via correspondence.

(e) In addition to subsection (d) of this section, a licensee seeking to renew a Medical Gas Piping Installation Endorsement must successfully complete the required medical gas CPE course in person.

(f) A Plumbing Inspector's unaffiliated status will not affect renewal if the licensee has satisfied all other renewal requirements under the Board Rules. However, the Board may continue to withhold the licensee's pocket card until proof of affiliation is provided pursuant to §365.4(b)(2) of this chapter.

(g) A licensee or registrant who is a military service member is exempt from paying a late renewal fee and entitled to an additional two (2) years, beginning on the date the individual is relieved from active duty, to complete any CPE requirements and any other requirements related to the renewal of the person's license, registration or endorsement if the licensee or registrant:

- (1) is a member of the United States Armed Forces, a reserve component of the United States Armed Forces or the state military forces;
- (2) is ordered to active duty by proper authority; and
- (3) submits documentation acceptable to the Board, which demonstrates the person was unable to renew the license, registration or endorsement in a timely manner due to the active duty service.

(h) A licensee is considered to have fulfilled the CPE requirement for the current CPE course year if the licensee is:

- (1) approved by the Board as a Course Instructor under §365.17 of this chapter or;
- (2) an employee of the Board who:
 - (A) monitors a current CPE course for compliance with the Plumbing License Law and Board Rules; or
 - (B) reviews all course materials approved under §365.15 of this chapter and completes the current Course Instructor Certification Workshop conducted by the Board.

§365.6 Expiration of License, Registration or Endorsement

(a) A license, registration or endorsement not timely-renewed in accordance with §365.5(c) of this chapter shall become invalid on the expiration date and remain invalid until all renewal requirements are met.

(b) An individual whose license, registration or endorsement has been expired for ninety (90) days or less may renew the license, registration or endorsement by meeting all renewal requirements and paying the Board the standard renewal fee under §361.6(a)(3) of the Board Rules plus a late fee equal to one-half the amount of the standard renewal fee for the license, registration or endorsement.

(c) An individual whose license, registration or endorsement has been expired for more than ninety (90) days, but less than or exactly two (2) years, may renew the license, registration or endorsement by meeting all renewal requirements and paying the Board the standard renewal fee under §361.6(a)(3) of the Board Rules plus an additional late fee equal to the full amount of the standard renewal fee for the license, registration or endorsement.

(d) An individual whose license, registration or endorsement has been expired for more than two (2) years may not renew and shall instead apply for a reinstatement of the license, registration or endorsement. An individual seeking a reinstatement shall follow the same application process as an applicant who has never held a license, registration or endorsement, including registering as a Plumber's Apprentice, submitting the necessary

application(s), paying the fee(s) required by §361.6 of the Board Rules, and taking any applicable examinations.

(e) CPE requirements must be satisfied prior to the renewal of any expired license, Medical Gas Piping Installation Endorsement or Drain Cleaner, Drain Cleaner-Restricted or Residential Utilities Installer Registration.

§365.7 Duplicate Pocket Card

(a) The Board shall issue a duplicate pocket card to replace any pocket card that is lost, destroyed, or mutilated.

(b) The licensee or registrant requesting the duplicate pocket card shall submit to the Board:

- (1) an application for the duplicate stating the reasons for the request; and
- (2) the appropriate fee pursuant to §361.6(4)(C) of the Board Rules.

§365.8 Change of Name, Address, or Employment

(a) A licensee or registrant shall notify the Board in writing of any legal name change not later than thirty (30) days after the change becomes final. After receiving notification of a change of name, along with the appropriate fee, the Board shall update its records and issue a new pocket card reflecting the change.

(b) A Plumbing Inspector shall notify the Board in writing of each political subdivision the Plumbing Inspector is employed by, or has contracted with, for the purposes of performing plumbing inspections and any changes in contract or employment status within thirty (30) days of status change. The written confirmation of contract or employment must be provided by an authorized representative of each political subdivision.

(c) A licensee or registrant shall notify the Board in writing of any change to his or her primary place of employment upon renewal of his or her license or registration.

(d) A licensee or registrant shall notify the Board of a change of mailing address as soon as practicable and no more than thirty (30) days after the change becomes final.

§365.10 Application for License, Registration or Endorsement after Revocation

(a) An individual whose license, registration or endorsement has been revoked may not apply to the Board for a new license, registration or endorsement until at least one (1) year has passed since the effective date of the revocation.

(b) An individual whose registration has been revoked shall submit a new application along with the required fee. An application for registration as a Residential Utilities Installer, Drain Cleaner or Drain Cleaner-Restricted may be submitted at the same time as an application for registration as a Plumber's Apprentice.

(c) An individual whose license or endorsement has been revoked shall follow the same application process as an applicant who has never held a license or registration, including registering as a Plumber's Apprentice, submitting the required fees, and applying for and taking the applicable examinations. An examination application may be submitted at the same time as an application for registration as a Plumber's Apprentice.

(d) An application for the type of license, registration or endorsement that was revoked shall be reviewed by the Enforcement Committee in addition to any review performed pursuant to Chapter 53 of the Texas Occupations Code and §363.15 of the Board Rules.

- (1) If the committee denies the application, it shall follow the procedures set forth in §363.15 of the Board Rules.
- (2) If the committee approves the application, it shall present the application to the full Board for approval.

§365.13 Licensing or Registration of Individuals in Default on a Guaranteed Student Loan or in Arrears on Child Support Payments

(a) The Board shall not renew the license or registration of an individual whose name is on the list of those who have defaulted on student loans published by the Texas Guaranteed Students Loan Corporation (TGS LC) unless:

- (1) the renewal is the first renewal following the Board's receipt of a TGS LC list that includes the licensee's or registrant's name; or
- (2) the licensee or registrant presents to the Board a certificate issued by TGS LC certifying that:
 - (A) the licensee or registrant has entered into a repayment agreement on the defaulted loan; or
 - (B) the licensee or registrant is not in default on a loan guaranteed by TGS LC.

(b) The Board shall not issue an initial license or registration to an applicant whose name is on TGS LC's list of individuals in default unless the applicant presents to the Board a certificate issued by TGS LC certifying that:

- (1) the licensee or registrant has entered into a repayment agreement on the defaulted loan; or
- (2) the licensee or registrant is not in default on a loan guaranteed by TGS LC.

(c) The Board shall not renew the license or registration of an individual who defaults on a repayment agreement unless the individual presents to the Board a certificate issued by TGS LC certifying that:

- (1) the licensee or registrant has entered into another repayment agreement on the defaulted loan; or
- (2) the licensee or registrant is not in default on a loan guaranteed by TGS LC or on a repayment agreement.

(d) The Board will provide the licensee or registrant identified by TGS LC as being in default with written notice of his or her default status at least thirty-one (31) days before the expiration date of the license or registration to the last known mailing address according to the Board's records.

(e) An individual informed by the Board of his or her default status according to TGS LC shall be provided an opportunity for a hearing, if requested by the licensee or registrant, in accordance with these rules.

(f) Upon receipt of a request from the Office of the Attorney General issued under §232.0135(a) of the Texas Family Code, the Board shall not renew the license or registration of the individual who is the subject of the request, or approve an application for an initial license or registration submitted by the individual who is the subject of the request until the Office of the Attorney General notifies the Board that the individual has satisfied one of the criteria set forth in §232.0135(b) of the Family Code.

(g) Upon receipt of a final order from the Office of the Attorney General suspending a license or registration for failure to pay child support, the Board shall suspend the license or registration of the individual who is the subject of the order and record the suspension in its records.

- (1) A final order issued by the Office of the Attorney General applies to each license, registration or endorsement held by the individual who is the subject of the final order.
- (2) The Board may not issue an initial license or registration, or remove the suspension, until the Office of the Attorney General issues an order vacating or staying the final order suspending the license or registration.

§365.14 Course Year for Continuing Professional Education Programs

(a) The course year for Continuing Professional Education Programs begins on July 1st of each calendar year and ends on June 30th of the next calendar year.

(b) The authority of a Course Provider approved under §365.16 of this chapter to provide CPE courses or a Course Instructor approved under §365.17 of this chapter to teach CPE courses runs concurrently with the course year that starts on July 1st of the calendar year in which the provider or instructor is approved by the Board.

(c) A licensee or registered Drain Cleaner, Drain Cleaner-Restricted or Residential Utilities Installer shall complete at least six (6) hours of CPE before he or she may renew his or her license or registration. Paragraphs 1 and 2 of this section and Figure 1 explain how license expiration dates align with the CPE course year.

- (1) An individual whose license or registration expires between January 1st and July 1st must take CPE between July 1st of the calendar year prior to the year in which the license or registration will expire and the expiration date of their license.
- (2) An individual whose license or registration expires between September 1st and December 31st must take CPE between July 1st of the calendar year in which the license or registration will expire and the expiration date of their license.

Figure: 22 TAC §365.14(c)(2)	
License Expiration Date	Time Period During Which You Must Take CPE
September 30	July 1 to September 30 of the year in which your license expires
October 31	July 1 to October 31 of the year in which your license expires
November 30	July 1 to November 30 of the year in which your license expires
January 31	July 1 of the previous year to January 31 of the year in which your license expires
February 28	July 1 of the previous year to February 28 of the year in which your license expires
March 31	July 1 of the previous year to March 31 of the year in which your license expires
April 30	July 1 of the previous year to April 30 of the year in which your license expires
May 31	July 1 of the previous year to May 31 of the year in which your license expires
June 30	July 1 of the previous year to June 30 of the year in which your license expires
July 31	July 1 of the previous year to July 31 of the year in which your license expires
August 31	July 1 of the previous year to June 30 of the year in which your license expires

(d) The authority of a Publisher of Course Materials approved under §363.15 of this chapter to sell course materials begins on July 1st of the calendar year in which the materials are approved and continues until the course materials are no longer required for the renewal of an expired license or registration.

- (1) The Board may authorize the use of course materials prior to July 1st for industry-related programs or conferences if the person offering the program or conference submits:
 - (A) a written request stating the date, time, and place the materials will be used; and
 - (B) a statement from the Publisher whose course materials will be used verifying that the materials will be available on the date included in the request.
- (2) A request submitted pursuant to paragraph (1) of this subsection, shall be submitted no later than fifteen (15) business days before the regularly-scheduled January or April meeting of the Board.

§365.15 Course Materials for Continuing Professional Education Programs

(a) The course materials are the printed materials provided to the licensees and registrants attending a CPE course for use in the classroom or in conjunction with a correspondence course and for future reference.

- (1) The Board shall publish a list of the approved subjects that course materials may cover and update the list as needed.
- (2) The course materials shall not advertise or promote the sale of goods, products or services.

(b) The course materials shall be comprehensive enough to support a minimum of six (6) classroom hours of study.

- (1) Three (3) hours shall cover the subjects of health protection, energy conservation and water conservation.
- (2) Three (3) hours shall cover subjects from the list of approved subjects published by the Board and include information concerning the Plumbing License Law, Board Rules, and current industry practices and codes.
- (3) All of the information covered shall present:
 - (A) issues relevant to the plumbing trade in the current market;
 - (B) changes to the plumbing trade; or
 - (C) topics which increase or support the students' development of skill and competence in the plumbing trade.

(c) A Publisher of Course Materials, Course Provider or Course Instructor shall encourage the student to retain the course materials for future reference and shall not offer to buy back used course materials from a student or offer any other incentive intended to persuade a student not to retain the course materials.

(d) The Board shall annually approve course materials for the CPE course required for the renewal of a Journeyman Plumber, Master Plumber, Tradesman Plumber-Limited or Plumbing Inspector License under §1301.404 of the Plumbing License Law or the renewal

of a Drain Cleaner, Drain Cleaner- Restricted or Residential Utilities Installer Registration under §1301.405 of the Plumbing License Law.

- (1) A Publisher of Course Materials shall electronically submit a draft version of the course materials, and a separate table of contents, to the Board for approval.
 - (2) The draft submitted shall:
 - (A) be free of all typos and grammar, spelling and punctuation errors;
 - (B) include illustrations and graphics to show concepts not easily explained in words;
 - (C) include a statement that the most current Board forms used for doing business with licensees, registrants, and the public are available on the Board's website or by mail upon request;
 - (D) include a notice informing students of the provisions contained in §365.20(d)- (f) of this chapter; and
 - (E) prominently display in bolded 10-point type, or larger, the following disclaimer: "THIS CONTINUING PROFESSIONAL EDUCATION COURSE MATERIAL HAS BEEN APPROVED BY THE TEXAS STATE BOARD OF PLUMBING EXAMINERS FOR USE IN THE (state year) CPE YEAR. BY ITS APPROVAL OF THIS COURSE MATERIAL, THE TEXAS STATE BOARD OF PLUMBING EXAMINERS DOES NOT ASSUME ANY RESPONSIBILITY FOR THE ACCURACY OF THE CONTENTS OF THE COURSE MATERIAL. FURTHER, THE TEXAS STATE BOARD OF PLUMBING EXAMINERS IS NOT MAKING ANY DETERMINATION THAT THE PARTY PUBLISHING THE COURSE MATERIALS HAS COMPLIED WITH ANY APPLICABLE COPYRIGHT AND OTHER LAWS IN PUBLISHING THE COURSE MATERIAL AND THE TEXAS STATE BOARD OF PLUMBING EXAMINERS DOES NOT ASSUME ANY LIABILITY OR RESPONSIBILITY THEREFOR. THE COURSE MATERIAL IS NOT BEING PUBLISHED BY NOR IS IT A PUBLICATION OF THE TEXAS STATE BOARD OF PLUMBING EXAMINERS."
- (e) Upon Board approval, final copies of the course materials shall be printed for distribution to students in a bound version meeting the following minimum technical specifications for printing and production:
- (1) Binding--Perfect or Metal Coiled;
 - (2) Ink--Full Bleed Color;
 - (3) Cover Material--80 Pound Gloss Paper; and
 - (4) Page Material--70 Pound.
- (f) The Board may post a copy of the table of contents of each set of approved course materials on its website.

§365.16 Board Approval of Course Providers for Continuing Professional Education Programs and Publishers of Course Materials

(a) The Board may approve an individual, business or association as a Course Provider or Publisher of Course Materials.

- (1) An individual wishing to become a Course Provider or Publisher of Course Materials shall submit electronically a completed application that includes:
 - (A) the individual's name, address, telephone number, and email address;
 - (B) the individual's social security number;
 - (C) a statement disclosing whether the individual has ever been convicted of a felony;
 - (D) the price to be charged for:
 - (i) the course materials; or
 - (ii) the courses offered by the Course Provider; and
 - (E) the name, address, telephone number, and email address of the individual designated by the applicant as the person responsible for answering inquiries and receiving notifications from the Board, if different from the applicant.
- (2) A business or association wishing to become a Course Provider or Publisher of Course Materials shall submit a completed application, which includes:
 - (A) the name, address, telephone number, and email address of each officer, director, trustee, or member of the governing board of the applicant;
 - (B) the business or association's tax identification number;
 - (C) a statement from each officer, director, trustee, or member of the governing board of the applicant disclosing whether he or she has ever been convicted of a felony;
 - (D) a current certificate of account status issued to the applicant by the Texas Comptroller of Public Accounts;
 - (E) the price to be charged for:
 - (i) the course materials; or
 - (ii) the courses offered by the Course Provider; and
 - (F) the name, address, telephone number, and email address of the individual designated by the applicant as the person responsible for answering inquiries and receiving notifications from the Board, if different from the applicant.
- (3) An individual, business or association wishing to act as a Publisher of Course Materials or Course Provider shall submit an application annually in accordance with this section.

(b) In addition to the information required by subsection (a) of this section, an applicant wishing to become a Publisher of Course Materials shall submit:

- (1) an electronic draft of the course materials to be provided that complies with §365.15 of this chapter; and

- (2) an example of correspondence course materials, including a sample set of 150 questions.
- (c) In addition to the information required by subsection (a) of this section, an applicant wishing to become a Course Provider shall submit electronically:
 - (1) an example of the Certificate of Completion that will be given to a licensee or registrant who completes a course offered by the provider;
 - (2) a draft course schedule or plan for establishing a course schedule;
 - (3) a statement disclosing which publisher's course materials will be used; and
 - (4) a strategic plan for providing courses equitably across the state, which includes a method for compiling statistical data regarding the number of CPE courses conducted, the number of students instructed and any similar metrics required to be submitted to the Board.
- (d) The Board shall review and vote on all timely-submitted applications at its annual January meeting.
 - (1) In the event that the January meeting is cancelled, the Board will schedule a special meeting as soon as possible for the purpose of voting on applications.
 - (2) An application to become a Publisher of Course Materials is deemed timely-submitted if it is complete and received no later than November 15th of the calendar year preceding the year in which the January meeting will take place.
 - (3) An application to become a Course Provider is deemed timely-submitted if it is complete and received no later than December 1st of the calendar year preceding the year in which the January meeting will take place.
- (e) The Board may:
 - (1) refuse to accept an incomplete application; or
 - (2) deny approval of an application for:
 - (A) failure to comply with the provisions of this section; or
 - (B) failure to satisfy the Board that the applicant has the ability to provide quality course materials; or
 - (C) failure to satisfy the Board that the applicant has the ability to provide quality CPE courses; or
 - (D) inadequate coverage of the subjects required to be included in the course materials; or
 - (E) inadequate instruction in the subjects required to be included in course materials.
- (f) The Board shall provide an applicant whose application is refused or denied a written notice detailing the deficiencies in the application or the reasons for denial no later than seven (7) business days after the incomplete application was received or the decision to deny was made.

Source Note: Effective as of September 1, 2017, 42 TexReg 3774.

§365.17 Board Approval of Course Instructors for Continuing Professional Education Programs

(a) A Course Provider shall secure Board approval of each Course Instructor it engages to teach the CPE courses it offers.

(b) On or before March 15th of each year, a Course Provider shall submit electronically:

- (1) a list of the Course Instructors it plans to utilize, including each instructor's contact information;
- (2) a copy of the credentials of each instructor not utilized by the provider in the preceding CPE course year;
- (3) documentation confirming that each instructor has:
 - (A) completed the training required by §365.20(b) of this chapter;
 - (B) enrolled in the training described by §365.18(c) of this chapter; and
 - (C) enrolled in the training required by §365.20(a) of this chapter; and
- (4) a copy of the certificate of authorization as an OSHA Construction Trainer for any individual it will utilize to teach the 10-Hour Outreach Training described in §363.5(f)(2) of the Board Rules.

(c) The Board shall review and vote on the lists submitted under subsection (b) of this section at its annual April meeting.

- (1) In the event that the April meeting is cancelled, the Board will schedule a special meeting as soon as possible for the purpose of voting on Course Instructors.
- (2) The Board may approve additional Course Instructors at any regularly-scheduled meeting provided that the information required by subsection (b) of this section is submitted no later than twenty (20) business days before the date of the meeting.

§365.18 Publishers of Course Materials for Continuing Professional Education Programs

(a) A Publisher of Course Materials shall:

- (1) have legal ownership of, or obtain a license to use, all copyrighted content included within the course materials;
- (2) secure access to distribution facilities sufficient to ensure prompt distribution of course materials;
- (3) have the technology necessary to receive orders via facsimile or electronic mail;
- (4) provide a statewide toll free telephone number for placing orders; and
- (5) ship any ordered material within ten (10) business days after the receipt of payment in full.

(b) A Publisher of Course Materials shall provide the materials in a form suitable for a correspondence course, as needed. Course materials provided for a correspondence course shall be made available for at least three (3) years, or as necessary for renewal of an expired license.

(c) A Publisher of Course Materials shall conduct training for approved Course Instructors in the use of course materials. The training shall take place at least once a year during the

period between Board approval of the course materials in January and the beginning of the CPE course year on July 1st.

(d) A Publisher of Course Materials shall not sell course materials to a Course Provider or student for a price that is different from the price stated in the application submitted under §365.16(a) of this chapter.

(e) A publisher's failure to comply with this section or any other applicable provision of the Plumbing License Law or Board Rules constitutes grounds for disciplinary action against the publisher, including revocation of approval to publish course materials, or the denial of future applications for approval as a Publisher of Course Materials.

§365.19 Course Providers of Continuing Professional Education Programs

(a) A Board-approved Course Provider may offer a CPE course required for the renewal of a license, endorsement or registration. A Course Provider may not offer a correspondence course during the CPE course year that begins on July 1st of the calendar year in which the provider is first approved by the Board.

(b) A Course Provider shall only allow Board-approved Course Instructors to teach the CPE courses it offers. A Course Provider shall notify the Board as soon as practicable, and no later than five (5) days, after any change in an instructor's employment status with the Course Provider.

(c) A Course Provider shall present a CPE course in one of the following formats:

- (1) a single day consisting of six (6) clock hours of instruction in the classroom;
- (2) two (2) days that fall within the same seven (7) day period, each consisting of three (3) clock hours of instruction in the classroom; or
- (3) a Board-approved correspondence format.

(d) A Course Provider shall not count time allotted for breaks toward the six (6) clock hours of instruction required by subsection (c) of this section.

(e) A Course Provider shall spend a minimum of three (3) clock hours covering the subjects of health protection, energy conservation and water conservation.

- (1) All instruction provided shall be based on the course materials described in §365.15 of this chapter and any other materials approved by the Board.
- (2) In addition to the course materials, Course Providers may utilize videos, films, slides or other appropriate types of illustrations and graphic materials so long as they relate to a subject covered by the course materials.

(f) A Course Provider shall limit the number of students for any CPE course to forty-five (45). A Course Provider may allow a Course Instructor to admit four (4) additional students, for a maximum of forty-nine (49), regardless of when the students apply for admittance, if the additional students:

- (1) are currently on active duty as members of the United States Armed Forces, a reserve component of the United States Armed Forces or the state military forces; and
- (2) present valid identification to the Course Instructor confirming the active duty status required by paragraph (1) of this subsection.

(g) In addition to the price to be charged a licensee or registrant enrolled in a course offered by the provider, a Course Provider that is not also a Publisher of Course Materials may impose a fee for the course materials that is less than or equal to the cost it incurs to purchase the materials from a Boardapproved publisher.

(h) A Course Provider shall not advertise or promote the sale of any goods, products or services during the instructional portion of a CPE course, or allow a third party to advertise or promote the sale of any goods, products or services during the instructional portion of a CPE course.

- (1) If a Provider allows a third party access to its students before or after class, or during a break, the third party shall not expend more than ten dollars (\$10) per student in connection with any food, drink, or promotional item provided to the students.
- (2) A Provider may not allow two or more third party vendors to provide food or drink at a single CPE course.

(i) At least seven (7) days before conducting a course, a Course Provider shall give notice to the Board via electronic mail of its intent to conduct the course or post notice of the course schedule on the Course Provider's website.

- (1) The notice shall contain the time(s) and place(s) where the course(s) will occur and the name of the Course Instructor scheduled to teach each course.
- (2) A Course Provider shall give notice even if attendance at a course is limited to a specific group or organization.
- (3) A Course Provider that schedules two (2) or more courses on the same date and time shall hold each course at a separate location or in separate spaces within the same location.

(j) A Course Provider shall establish a system that allows it to receive immediate notification from a Course Instructor in the event the Course Instructor is unable to provide instruction for a scheduled course.

- (1) A Course Provider shall provide a substitute Course Instructor in order to avoid cancelling the scheduled course.
- (2) If cancellation of the course is unavoidable, the Course Provider shall:
 - (A) immediately notify each student affected by the cancellation;
 - (B) reschedule the cancelled course as soon as possible; and
 - (C) notify the Board of the cancellation within forty-eight (48) hours.

(k) A Course Provider shall furnish a certificate of completion of CPE to each licensee and registrant who completes a CPE course it offers.

- (1) The certificate of completion shall state:
 - (A) the name of the Course Provider and Course Instructor;
 - (B) the name and license or registration number of the student;
 - (C) the course year; and
 - (D) the date the instruction was completed.
- (2) Within forty-eight (48) hours of issuing a certificate of completion, a Course Provider shall, at its own expense and in a format approved by the Board,

electronically submit certification of each student's completion of CPE requirements.

- (A) The Board may provide training to the Course Provider in the submission method selected, including the use of any computer software.
- (B) The Board may charge a fee to recover its costs for computer software used to facilitate the submission and training in the use of the software to the Course Provider.

(l) At least once per CPE course year, a Course Provider shall perform self-monitoring of each of its Course Instructors to ensure compliance with the Plumbing License Law, Board Rules, and any reporting requirements adopted by the Board.

(m) A Course Provider shall submit a report detailing its implementation of the strategic plan required by §365.16(c)(4) of this chapter to the Board as follows:

- (1) A Course Provider receiving Board approval for the first time shall submit quarterly reports no later than March 15th, June 15th, September 15th and December 15th of the calendar year in which it received approval.
- (2) A Course Provider that is re-approved shall submit a report no later than September 15th of the calendar year in which it was re-approved; the report shall cover the implementation for the preceding CPE course year.
- (3) The requirements of this subsection and §365.16(c)(4) of this chapter do not apply to a Course Provider that:
 - (A) is a business that offers CPE courses to its employees only, and not to the general public; or
 - (B) is an individual who will not employ a Course Instructor other than himself or herself.

(n) The Board shall annually monitor each approved Course Provider to ensure the quality of the instruction provided and the equitable provision of course across the state of Texas.

- (1) To assist with this task, the Board may post a survey on its website that allows licensees and registrants who have completed a CPE course to provide feedback about a Course Provider or Instructor.
- (2) If a Course Provider administers student surveys, the Board may request a copy of the completed surveys to assist with this task. A Course Provider shall maintain a paper or electronic copy of each completed student survey for at least two (2) years after the survey was administered.

(o) A Course Provider's failure to comply with this section constitutes grounds for disciplinary action against the provider, including revocation of authority to provide CPE courses, or the denial of future applications for approval as a Course Provider. The Board shall investigate a complaint against a Course Provider in the same manner it investigates complaints against licensees and registrants.

§365.20 Course Instructors for Continuing Professional Education Programs

(a) A Course Instructor shall:

- (1) hold a current Journeyman, Master Plumber or Plumbing Inspector License issued by the Board;

- (2) successfully complete a Course Instructor Certification Workshop conducted by the Board; and
- (3) successfully complete training in the course materials required by §365.18(c) of this chapter.

(b) In addition to the training required in subsection (a) of this section, a Course, Instructor shall attend a Board-approved training program consisting of a total of 160 hours.

- (1) The program shall be presented in four (4) units as follows:
 - (A) forty (40) hours covering the basic educational techniques and instructional strategies necessary to plan and conduct effective training programs;
 - (B) forty (40) hours covering the basic techniques and strategies necessary to analyze, select, develop, and organize instructional material for effective training programs;
 - (C) forty (40) hours covering the basic principles, techniques, theories, and strategies for establishing and maintaining effective relationships with students, co-workers, and other personnel in the classroom, industry, and community; and
 - (D) forty (40) hours covering the basic principles, techniques, theories, and strategies for communicating effectively using instructional media.
- (2) A Course Instructor shall complete one of the units described in paragraph (1) of this subsection every twelve (12) months such that all four (4) units (160 hours) are completed within a four year period.

(c) A Course Instructor shall not advertise or promote the sale of goods, products, or services in his or her capacity as a Course Instructor.

(d) A Course Instructor shall comply with the Plumbing License Law and Board Rules, including the standards of conduct set forth in §367.2 of the Board Rules.

- (1) In addition, a Course Instructor has a responsibility to his or her students and employer to:
 - (A) be well-versed in and knowledgeable of the course materials and ensure that classroom presentations are based only on the course materials and other materials approved by the Board;
 - (B) maintain an orderly and professional classroom environment;
 - (C) ensure that only students who receive the required number of clock hours of instruction (excluding any time spent on breaks from instruction) receive credit for attending a CPE course;
 - (D) notify the Course Provider immediately, if the Course Instructor is unable to provide instruction for a CPE course that the instructor was scheduled to instruct, to allow the Course Provider to make every effort to provide a substitute Course Instructor to avoid cancelling the course; and
 - (E) coordinate with the Course Provider to develop an appropriate method for handling disorderly and disruptive students.

- (2) A Course Instructor shall report to the Course Provider and the Board, any non-responsive or disruptive student who attends a CPE course. The Board may deny CPE credit to any such student and require, at the student's expense, successful completion of an additional CPE course to receive credit.
- (e) The Board shall randomly monitor Course Instructors for quality of instruction and compliance with the PLL and Board Rules. The Board will charge a fee to recover its costs for conducting the workshop required by subsection (a)(2) of this section.
- (f) A Course Instructor's failure to comply with this section constitutes grounds for disciplinary action against the instructor, including revocation of approval to instruct CPE courses, or the denial of future applications for approval as a Course Instructor. The Board shall investigate a complaint against a Course Instructor in the same manner it investigates complaints against licensees and registrants.
- (g) At the beginning of each CPE course, the Course Instructor shall announce where the notice informing the students of the contents of subsections (d)-(f) of this section can be found in the course materials.

§365.21 Continuing Professional Education Programs for the Medical Gas Piping Installation Endorsement

- (a) A licensed Journeyman Plumber, Master Plumber or Plumbing Inspector who also holds a Medical Gas Piping Installation Endorsement shall complete a minimum of two (2) hours of CPE before he or she may renew his or her endorsement. A licensee may not use a single medical gas CPE course to fulfill the continuing education requirement for more than one renewal period.
- (b) A medical gas CPE course shall be based on the most current edition of the National Fire Protection Association 99 Health Care Facilities Code (NFPA 99), and include comprehensive instruction on any updates to or changes from the previous edition of the code.
- (c) The course materials for a medical gas CPE course shall include either a softbound copy of the current edition of the NFPA 99 or a hardbound copy of the NFPA 99 Handbook, a 50-question exercise covering the most-recent changes and updates to the NFPA 99 and the fundamentals of medical gas piping installation, and a notice informing students of the provisions contained in §365.20(d)-(f) of this chapter.
 - (1) The course materials shall not advertise or promote the sale of goods, products or services.
 - (2) A Course Provider or Course Instructor shall not offer to buy back used course materials from a student or offer any other incentive intended to persuade the student not to retain the course materials.
 - (3) In addition to the fee charged for a medical gas CPE course, a Course Provider may charge students a fee for the course materials that is less than or equal to the cost it incurs to purchase the materials from the NFPA.
 - (4) A Course Provider shall not require a student to purchase a softbound copy of the current edition of the NFPA 99 or a hardbound copy of the NFPA 99 Handbook if the student has previously completed a medical gas CPE course with the same provider that utilized the same course materials. As a substitute, the Course Provider may use any written material designed to supplement the NFPA 99 or the handbook.

(d) Only an individual, business or association approved as a Course Provider in accordance with §365.16 of this chapter may provide a medical gas CPE course. A Course Provider offering a medical gas CPE course is subject to all of the provisions of §365.19 of this chapter except subsections (c) and (e).

(e) A licensed Journeyman Plumber, Master Plumber or Plumbing Inspector may teach a medical gas CPE course if the licensee:

- (1) holds a current Medical Gas Piping Installation Endorsement; and
- (2) is approved as a Course Instructor in accordance with §365.17 of this chapter.

(f) A Course Provider shall present a medical gas CPE course in a single day consisting of at least two (2) clock hours of instruction in the classroom.

§365.22 Licensing Procedures for Military Spouses

(a) The Board may issue an initial license or registration to an applicant who is a military spouse and holds a current license issued by another state that has licensing requirements that are substantially equivalent to the requirements for the license or registration.

(b) The Board may reinstate the license or registration of an applicant who is a military spouse if the license or registration was current at some point during the five (5) years preceding the date the application is submitted.

(c) After reviewing the credentials of an applicant who meets the criteria set forth in subsections (a) or (b) of this section, the Executive Director may waive any prerequisite for obtaining a license or registration. The Executive Director may also waive a prerequisite if the applicant holds a current license issued by another jurisdiction that has a reciprocity agreement with Texas for the license.

(d) In addition to any required application(s), an individual who meets the criteria set forth in subsection (a) or (b) of this section, must submit proof that his or her spouse is currently serving on active duty.

(e) In lieu of the standard method(s) of demonstrating competency for a particular license, and based on the applicant's circumstances, the Board may use alternative methods when reviewing an application submitted by an individual who meets that criteria set forth in subsection (a) or (b) of this section. The alternative method(s) may take into consideration any combination of the following:

- (1) education;
- (2) continuing education;
- (3) examinations (written and/or practical);
- (4) letters of good standing;
- (5) letters of recommendation;
- (6) work experience; or
- (7) other relevant information approved by the Executive Director.

(f) Any information requested in connection with an application reviewed using the method described in subsection (e) of this section shall be submitted in a form and manner prescribed by the Board.

(g) The Board shall process an application submitted by an individual who meets the criteria in subsection (a) or (b) of this section and issue the corresponding license or registration as soon as practicable.

§365.23 Transfer of License

- (a) The Board may only transfer an unexpired license that is issued under the Plumbing License Law and has been held continuously for at least 35 fifty (50) consecutive years.
- (b) The Board shall transfer a license to a person who:
 - (1) meets the requirements set forth in §1301.406(a) of the Plumbing License Law; and
 - (2) submits the following:
 - (A) an application that complies with §1301.406(b) of the Plumbing License law;
 - (B) the non-refundable application fee set forth in §361.6(a)(4)(F) of the Board Rules; and
 - (C) a notarized Transfer of License Affidavit that is signed by the transferor or a valid will executed by the transferor.
- (c) A transfer under this section may not take place before the date of the transferor's retirement or death.

CHAPTER 367 ENFORCEMENT**§367.1 Authority**

- (a) The enforcement authority granted to the Board under Chapter 1301 of the Texas Occupations Code, and any associated rules, may be used to enforce the Plumbing License Law, Board Rules, and Board orders.
- (b) The enforcement authority granted to municipalities under §1301.503 and §1301.551 of the Texas Occupations Code and to political subdivisions under §1301.255, and any associated rules, may be used to enforce the Plumbing License Law, Board Rules, and applicable municipal ordinances or bylaws and adopted codes.
- (c) The enforcement authority granted to licensed Plumbing Inspectors under §§1301.255, 1301.503 and 1301.551 of the Texas Occupations Code, and any associated rules, may be used to enforce the Plumbing License Law, Board Rules, and applicable municipal ordinances or bylaws and adopted codes.
- (d) The enforcement authority granted to a Field Representative employed by the Board under §1301.203 of the Texas Occupations Code, and any associated rules, may be used to enforce the Plumbing License Law and Board Rules.

§367.2 Code Requirements

- (a) To protect the health and safety of the citizens of this state, the Board adopts the following plumbing codes:
 - (1) the 2012 Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials; and
 - (2) the 2012 International Plumbing Code, as published by the International Code Council and the codes incorporated by reference within the 2012 International Plumbing Code, including:
 - (A) the 2012 International Fuel Gas Code; and
 - (B) the 2012 International Residential Code.
- (b) To ensure the proper design, installation, and maintenance of plumbing systems within its jurisdiction, a political subdivision may adopt a plumbing code with any amendments necessary to address local concerns provided that the amendments do not substantially vary with the rules or laws of this state.
- (c) Plumbing must be installed in accordance with all applicable plumbing codes adopted by the political subdivision in which the plumbing is being installed.
 - (1) Plumbing installed by an individual licensed under the PLL in an unincorporated area of the county or other area where no plumbing code has been adopted must be installed in accordance with a plumbing code adopted under subsection (a) of this section.
 - (2) A plumbing installation that was started prior to the Board's adoption of the plumbing codes listed in subsection (a) of this section may be completed under the requirements of the codes in effect at the time permits for the installation were issued or work on the installation commenced.
 - (3) In addition to all applicable plumbing codes, Liquefied Petroleum Gas (LP-Gas) piping must be installed in accordance with all applicable rules adopted by the Texas Railroad Commission.

(d) Any piping connecting a plumbing fixture, including a water closet, to a potable water supply shall be installed to prevent the back flow of nonpotable substances into the potable water system in accordance with the applicable plumbing code and state laws. Water closet fill valves (ball cocks) shall be of the antisiphon, integral vacuum breaker type with the critical level (the air inlet portion of the vacuum breaker) installed at least one (1) inch above the flood level rim of the fixture (the inlet of the water closet overflow tube).

(e) Plumbing installed in compliance with a code adopted under subsection (a) or (b) of this section must be inspected by a Plumbing Inspector licensed under the PLL and Board Rule §367.4.

(f) A licensee or registrant shall not install, and a person shall not require a licensee or registrant to install, plumbing that is not in compliance with the Plumbing License Law or any other laws of this state, Board Rules, or any applicable plumbing codes.

§367.3 Standards of Conduct – Licensees and Registrants

(a) Offer to Perform Services. All licensees and registrants:

- (1) shall accurately and truthfully represent to any prospective client or employer, his or her capabilities and qualifications to perform the services to be rendered;
- (2) shall not offer to perform, nor perform, technical services for which he or she is not qualified by education or experience, without retaining the services of another who is so qualified;
- (3) shall not evade responsibility to a client or employer; and
- (4) shall give the customer an invoice or completed contract document on completion of the plumbing job, regardless of whether he or she charged a fee for performing the services.
- (5) For the purposes of paragraph (4) of this subsection, the customer is the person to whom the plumbing or technical services were provided even if the services were provided pursuant to a contract with a third party but not limited to a home warranty company, general contractor, or a company established to perform inspections.

(b) Conflicts of Interest. All licensees and registrants:

- (1) shall not agree to perform services if any significant financial or other interest exists that would:
 - (A) conflict with the obligation to render a faithful discharge of such services; or
 - (B) impair independent judgment in rendering such services;
- (2) shall withdraw from employment when it becomes apparent that it is not possible to faithfully discharge the duty and performance of services owed the client or employer, but then only upon reasonable notice to the client or employer; and
- (3) shall not accept remuneration from any person other than the client or employer for a particular project, nor have any other financial interest in other service or phase of service to be provided for the project, unless the client or employer has full knowledge and so approves.

(c) Representations. All licensees and registrants:

- (1) shall not indulge in advertising that is false, misleading, or deceptive;
- (2) shall not misrepresent the amount or extent of prior education or experience to any employer or client;
- (3) shall, when providing estimates for costs or completion times of a proposed project, represent to a prospective client or employer as accurately and truthfully as is reasonably possible the costs and completion time of the proposed project; and
- (4) shall not hold out as being engaged in partnership or association with any person unless a partnership or association exists in fact.

(d) Compliance with Laws, Rules, Local Ordinances, and Board Orders. All licensees and registrants shall comply fully with:

- (1) the Plumbing License Law and all other state laws regulating plumbing work;
- (2) all rules adopted by the Board;
- (3) all Board orders;
- (4) the ordinances, bylaws and other local rules regulating plumbing adopted by a political subdivision; and
- (5) when applicable, the plumbing codes adopted by the Board under §367.2(a) of this chapter.

§367.4 Standards of Conduct – Plumbing Inspectors

(a) In addition to complying with the requirements of §367.3 of this chapter, a Plumbing Inspector shall not:

- (1) have any financial, or advisory interest in any plumbing company;
- (2) represent or indicate in any manner that the Plumbing Inspector is employed by or a representative of the Board or the State of Texas unless, in fact, the Plumbing Inspector is employed by the Board or the State of Texas.

(b) A Plumbing Inspector shall not perform a plumbing inspection unless and until he or she has submitted proof of affiliation with a political subdivision in a form specified by the Board. An affiliation is established if the inspector is employed by or under contract with a political subdivision to perform plumbing inspections or employed by a qualified plumbing inspection company under contract with a political subdivision to perform plumbing inspections.

(c) A Plumbing Inspector shall only accept compensation for performing a plumbing inspection from the political subdivision with jurisdiction over the jobsite where the inspection is performed or a qualified plumbing inspection business under contract with a political subdivision. A political subdivision may contract with a qualified plumbing inspection business to perform an inspection only if the business utilizes a licensed Plumbing Inspector to perform the inspection. This subsection does not apply to an inspection subject to §1301.255 of the PLL.

(d) A Plumbing Inspector shall consistently and equitably, to all persons enforce the Plumbing License Law, Board Rules, and plumbing codes adopted under §367.2(a) of this chapter, and all local ordinances regulating plumbing codes adopted by the political subdivision(s) within the Plumbing Inspector's jurisdiction.

(e) A Plumbing Inspector shall include his or her Plumbing Inspector License number on any document produced in connection with an inspection, including but not limited to:

- (1) a green tag or other document used to show plumbing work has passed inspection.
- (2) a notice of correction or other document used to show plumbing work has failed inspection; or
- (3) any correspondence, including but not limited to emails.

§367.5 Responsibilities of RMP—General

(a) In addition to obtaining the certificate of insurance required by §367.6 of this chapter, a Master Plumber shall complete the training program required by §363.26 of the Board Rules in order to initially qualify as a RMP. This subsection does not apply to a Master Plumber who meets the requirements of §363.26(a) of the Board Rules.

(b) A Master Plumber may act as the RMP of record for only one person at a time. A RMP wishing to be removed or added as a RMP of record shall submit to the Board written notification of the change, in a form specified by the Board, within ten (10) business days after the effective date of the change.

(c) The RMP of record shall be knowledgeable of and responsible for all contracts and agreements to perform plumbing work secured and permits obtained under his or her Master Plumber License. A RMP of record is not absolved of these responsibilities even if:

- (1) the job of obtaining a permit is delegated to another person; or
- (2) the RMP did not personally draft or sign the contract or agreement.

(d) The RMP of record is responsible for the general supervision and management of plumbing work performed under his or her license and individuals performing plumbing work pursuant to contracts secured under his or her license, regardless of whether the individuals are employees or subcontractors. This includes:

- (1) ensuring that all permits are obtained and inspections are requested in accordance with all applicable plumbing codes;
- (2) ensuring that all individuals performing plumbing work under the RMP's license hold a current applicable license or registration for the work being performed;
- (3) ensuring that a licensee is present and providing direct supervision at all job sites where one or more registrants are engaged in plumbing; and
- (4) ensuring that all service vehicles display the information required by §367.10 of this chapter.

(e) A RMP acting in accordance with subsection (d) of this section has fulfilled his or her responsibility to the client and employer to ensure that the plumbing work performed under the RMP's license will protect public health and safety by meeting the requirements of all applicable plumbing codes, ordinances, rules and laws regulating plumbing.

§367.6 Responsibilities of RMP—Insurance Required

(a) A Responsible Master Plumber shall at all times maintain insurance that:

- (1) meets the requirements set forth in §1301.552 of the PLL; and
- (2) includes coverage for all types of plumbing that will be performed under the RMP's license, including, but not limited to:

- (A) LP-Gas plumbing;
- (B) medical gas plumbing; and
- (C) multipurpose residential fire protection sprinkler systems.

(b) A Master Plumber may not act as a RMP of record unless the Master Plumber has uploaded to the RMP's online account a valid certificate of insurance form approved by the Board.

(c) Upon written request, the RMP or owner of the plumbing company shall furnish the name of the insurance carrier and name, address, and telephone number of the insurance agent with whom the RMP is insured to any customer within 30 days of the request. For the purposes of this subsection, the customer is the person to whom the plumbing services were provided even if the services were provided pursuant to a contract with a third party but not limited to a home warranty company, general contractor, or a company established to perform inspections.

§367.7 Responsibilities of RMP—Medical Gas Piping Systems

(a) A person may not offer to install pipe used solely to transport gases for medical purposes unless the person has secured the services, in accordance with §367.9(b) of this chapter, of at least one RMP who holds a current Master Plumber License with a current Medical Gas Piping Installation Endorsement issued by the Board.

(b) The RMP with the Medical Gas Piping Installation Endorsement shall be responsible for the general supervision of the installation and ensuring that:

- (1) all pipe used solely to transport gases for medical purposes is installed by the company;
and
- (2) all medical gas pipe assembly, brazing, and installation of required pipe markings is performed only by a licensee who holds a current Medical Gas Piping Installation Endorsement issued by the Board.

§367.8 Responsibilities of RMP—Multipurpose Residential Fire Protection Sprinkler Systems

(a) A person may not offer to install a multipurpose residential fire protection sprinkler system unless the person has secured the services, in accordance with §367.9(b) of this chapter, of at least one RMP who holds a current Master Plumber License with a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement issued by the Board.

(b) The RMP with the Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement shall be responsible for the general supervision of the installation and ensuring that:

- (1) the system is installed by a licensed Journeyman or Master Plumber with a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement;
- (2) any other person who assists with the installation of a multipurpose residential fire protection sprinkler system is registered or licensed by the Board and is assisting only under the direct supervision of the endorsement holder who is on the job installing the system;

- (3) the system has been designed by a licensed Master Plumber with a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement; and
 - (4) the system is installed, tested and inspected in accordance with the requirements of the latest edition of the National Fire Protection Association (NFPA) standard 13D and all applicable local ordinances and state laws and rules regulating the installation of multipurpose residential fire protection sprinkler systems.
- (c) Upon final completion of the installation, the RMP with the Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement shall be responsible for ensuring that:
- (1) the owner of the system has been provided:
 - (A) documentation that includes the RMP's name, license number, company name and contact information;
 - (B) a copy of the plans or drawings of the system, as installed; and
 - (C) instructions for the operation, maintenance and care of the system, in accordance with the latest edition of NFPA standard 13D and the material manufacturers' recommendations.
 - (2) a warning sign is affixed in a visible location that is adjacent to the main shutoff valve; and
 - (3) that the warning sign:
 - (A) is typed in a font size of at least 1/4 inch;
 - (B) identifies the RMP as the installer and includes the RMP's name, license number, company name and contact information;
 - (C) states, "WARNING: The water system for this home is a multipurpose system which supplies water to fire sprinklers that require certain flows and pressures to fight a fire. Devices that restrict the flow or decrease the pressure or automatically shut off the water to the fire sprinkler system, such as water softeners, filtration systems, and automatic shutoff valves, shall not be added to this system without a review of the fire sprinkler system by a fire protection sprinkler specialist.
DO NOT REMOVE THIS SIGN"; and
 - (D) includes the Board's name and telephone number at the bottom.
- (d) A Master Plumber who holds a Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement and designs a multipurpose residential fire protection sprinkler system must obtain a seal.
- (1) The Master Plumber with the endorsement is responsible for the security of the seal.
 - (2) The seal shall:
 - (A) be in the shape of a circle that is at least one and one half inch in diameter;
 - (B) include words, "State of Texas" at the top of the seal;
 - (C) include the words, "Licensed Master Plumber" at the bottom of the seal; and
 - (D) include the name and license number of the Master Plumber with the endorsement positioned horizontally in the center of the seal.

- (3) The seal must be clearly and legibly affixed to each original plan designed by the Master Plumber with the endorsement, and each copy of the plan.
- (4) The Master Plumber with the endorsement must sign and date the plan below the affixed seal.
- (5) By affixing the seal and signing the plan, the Master Plumber with the endorsement assumes responsibility for ensuring that the system as designed meets the requirements of the latest edition of the NFPA standard 13D and all applicable local ordinances and state laws and rules regulating the installation of multipurpose residential fire protection sprinkler systems.

§367.9 Advertising; Offering to Perform Plumbing

(a) A person or company shall not advertise, contract for or otherwise offer or agree to perform plumbing work for or provide plumbing services to the public unless the person or company has secured the services of at least one RMP holding a current Master Plumber License.

(b) A person or company has secured the services of a RMP if:

- (1) the RMP is an employee of the person or company; or
- (2) the RMP is the owner of the plumbing company that will contract for and perform plumbing work under his or her license.

(c) Notwithstanding subsection (b) of this section, a licensee who contracts for or otherwise agrees to perform plumbing work is not in violation of §1301.351(a-2) of the PLL if the licensee has a written subcontracting agreement with a person who has secured the services of a RMP in accordance with subsection (b) of this section.

(d) The agreement required in subsection (c) of this section shall:

- (1) be signed by the licensee contracting for, or otherwise offering to perform plumbing and the RMP of record for the plumbing company that will perform the plumbing work;
- (2) provide a description of all plumbing work to be performed pursuant to the agreement;
- (3) include the price for all plumbing work to be performed; and
- (4) contain the information required under §1301.302 of the PLL and §367.10 of this chapter.

§367.10 Display of RMP Name and License Number

(a) The RMP of record shall display his or her certificate of licensure in his or her place of business in a conspicuous location.

(b) Both the RMP of record and owner of a plumbing company shall ensure that the RMP's license number and the company name are permanently displayed on both sides of all service vehicles owned or operated by the RMP or the company and used in conjunction with plumbing work.

- (1) For the purposes of this subsection, a magnetic sign is not a permanent sign.
- (2) The letters and numbers shall be at least two (2) inches high and shall be in a color sufficiently different from the body of the vehicle so that the letters and numbers shall be plainly legible at a distance of not less than one hundred (100) feet.

(c) Both the RMP of record and owner of a plumbing company shall ensure that the first page of each written or electronic proposal, invoice or contract for plumbing services includes, in at least twelve (12) point font:

- (1) the first and last name of the RMP of record;
- (2) the license number of the RMP of record;
- (3) the words "regulated by the Texas State Board of Plumbing Examiners"; and
- (4) the Board's mailing address and telephone number.
- (5) For the purposes of this subsection, the terms "proposal", "invoice" and "contract" include any and all documents used to define the scope and cost of the work to be performed for a consumer. This would include items such as service invoices, billing invoices, receipts or any document written or electronic which defines the services and cost of the plumbing services provided to the consumer. The consumer need not sign the document for it to be considered a contract.

(d) Both the RMP of record and owner of a plumbing company shall ensure that all advertisements for plumbing services, regardless of the type of media used, clearly display or verbally state the company name and license number of the RMP of record.

- (1) For the purposes of this subsection, the term media includes but is not limited to:
 - (A) newspapers;
 - (B) telephone directories;
 - (C) printed materials such as flyers and other handouts;
 - (D) business cards;
 - (E) signs and billboards;
 - (F) radio;
 - (G) television; and
 - (H) the Internet.
- (2) For the purposes of this subsection, uniforms or other clothing displaying a plumbing company name or logo and a sign affixed to the contractor's permanent business location are not considered an advertisement.

§367.11 License or Registration Required

(a) An individual shall not engage in plumbing work requiring a license, registration or endorsement under the Plumbing License Law without a current license, registration or endorsement issued by the Board.

(b) An individual shall not perform a plumbing inspection without a current affiliated Plumbing Inspector License issued by the Board.

(c) A person shall not employ or enter into a subcontract with an individual to engage in plumbing work requiring a license, registration or endorsement under the Plumbing License Law if the individual does not hold the appropriate license, registration or endorsement required for the type of work performed.

(d) A political subdivision shall not employ or contract a person who does not hold a Plumbing Inspector License issued by the Board currently affiliated with that political subdivision having jurisdiction or contract with a person who does not employ at least one licensed Plumbing Inspector to perform plumbing inspections.

(e) A person shall not use the certificate of licensure, pocket card or license or registration number of another licensee or registrant.

(f) Licensees and registrants shall not allow another person to use their certificate of licensure, pocket card or license or registration number.

§367.12 On-Site License and Registration Checks

(a) A licensee or registrant shall carry his or her pocket card at all times he or she is present at a jobsite or engaged in plumbing work.

(b) A licensee or registrant shall cooperate with a Field Representative conducting a check in accordance with this section.

(c) Pursuant to the authority granted under §1301.259 of the Plumbing License Law, an enforcement officer employed by the Texas Department of Licensing and Regulation may also check licenses and registrations and report non-compliance to the Board.

(d) In addition to initiating disciplinary actions against unlicensed or unregistered individuals or those without a current license or registration, the Board may refer non-compliant individuals to local authorities for enforcement and disposition.

§367.13 Filing Complaints

(a) The Board shall only accept a complaint that is submitted in writing in a format specified by the Board.

(b) A complaint may be submitted via mail, electronic mail, facsimile or in person.

(c) A complaint shall contain:

- (1) the complainant's name and contact information;
- (2) a description of the alleged violation;
- (3) the name of the municipality and all other political subdivisions in which the conduct that is the subject of the complaint occurred;
- (4) the name and contact information of any known witnesses or other sources of pertinent information; and
- (5) any evidence in the possession of the complainant, including but not limited to:
 - (A) estimates, contracts or invoices;
 - (B) cancelled checks;
 - (C) photographs of any plumbing work that is the subject of the complaint;
 - (D) written communications between the complainant and respondent; and
 - (E) websites, business cards, or other advertisements used by the respondent.

(d) For the purposes of subsection (c) of this section, contact information may include, but is not limited to, name, address, telephone number, email address, business name, business address, business telephone number, and website.

(e) The Director of Enforcement may refuse to accept a complaint that does not contain sufficient information to determine whether the Board has jurisdiction over the complaint.

(f) The Board may accept anonymous complaints. Anonymous complaints may not be investigated if insufficient information is provided, the allegations are vague, appear to lack factual foundation, or cannot be proved for lack of a witness or other evidence.

§367.14 Processing Complaints

(a) The Director of Enforcement shall review a complaint submitted in accordance with §367.13 of this chapter to determine whether the Board had jurisdiction.

(b) If it is determined that a complaint is within the Board's jurisdiction the Director of Enforcement shall:

- (1) assign a complaint number;
- (2) assign an investigation priority number; and
- (3) appoint a Field Representative to investigate the complaint.

(c) If it is determined that a complaint is not within the Board's jurisdiction, the Director of Enforcement shall notify the complainant in writing.

(d) The investigation priority number for purposes of subsection (b)(2) of this section will range from Priority 1 to Priority 3, with a lower number indicating a more serious violation deserving of investigation before investigation of matters with a higher number, determined as follows:

- (1) Priority 1 - Complaints alleging bodily injury or the imminent threat of harm to the public's health, safety or economic welfare, or the environment. The following matters will be classified as Priority 1:
 - (A) Combustible fuel gases. Complaints alleging or involving combustible fuel gases, such as improperly installed fuel gas lines, fuel-gas-fired appliances or water heaters, gas leaks, explosions, or unlicensed, unsupervised or unpermitted plumbing work involving combustible fuel gas which has not otherwise been subjected to and passed an inspection by a Plumbing Inspector;
 - (B) Medical gas. Complaints alleging or involving improperly installed, or unpermitted medical gas plumbing, or unlicensed, unsupervised or uncredentialed individuals installing medical gas plumbing which has not otherwise been subjected to and passed an inspection by a Plumbing Inspector;
 - (C) Contamination of potable water; illness or disease. Complaints alleging or involving cross-connections or other incursions of sewage or substances of unknown origin into the potable water supply. Complaints alleging or involving illness or disease attributable to a plumbing system or suspected of being transmitted by a plumbing system;
 - (D) Uninhabitable primary residence or business. Complaints alleging or describing the ongoing substantial impairment of the enjoyable use of a building used as a primary residence or the facility of a business and used for its day-to-day operations, due to the plumbing system, and arising from the alleged violation;
 - (E) Major environmental spills. Complaints alleging substantial release of effluent from a plumbing system and contamination or threatened

- contamination of a freshwater body; and
- (F) Habitual offender. Complaints alleging a violation by a person having a recent history of past violations and for whom expedient injunctive relief may be required to obtain compliance.
- (2) Priority 2 - Complaints which allege the occurrence of economic damages, but not bodily injury, and that do not allege an ongoing condition which poses an imminent threat of harm to the public's health, safety or economic welfare, or the environment. The following matters in particular will be classified as Priority 2:
- (A) Harmful condition resolved. Complaints alleging a harmful condition of a plumbing system that, at one time, may have posed the threat of bodily injury or economic harm, and may have actually caused economic harm, but has since been resolved, typically by the alleged offender, or a subsequent plumber who remedied the potentially harmful condition;
 - (B) Economic injury only, with no ongoing threat of harm. Complaints alleging economic harm, but not bodily injury, and for which the nature of the violation never posed the threat of such bodily injury; and, which no longer poses an imminent threat of further economic harm. For example, evading responsibility to a client (thereby requiring the consumer to obtain replacement services), misrepresentation of services provided, general dissatisfaction with workmanship but not affecting the function of the plumbing system, improper billing practices, or the improper retention of money or materials;
 - (C) Unlicensed work inspected by a Plumbing Inspector. Complaints alleging unlicensed plumbing work for which a plumbing permit is nevertheless obtained and passes an inspection by a Plumbing Inspector, indicating the plumbing system is reasonably safe for use;
 - (D) Unsupervised work by a registrant, without inspection. Complaints alleging plumbing work performed by a Plumber's Apprentice that was performed without the requisite level of supervision, and has not otherwise been subjected to and passed an inspection by a Plumbing Inspector;
 - (E) Failure to obtain plumbing permit by a licensee. Complaints alleging work performed by a licensee fit to perform the work but for which a plumbing permit was not obtained as required by the local authority having jurisdiction, and a plumbing inspection never conducted to ensure compliance with applicable plumbing codes; and
 - (F) Requests from local authorities or for interagency assistance. Complaints made by, or requests for assistance from, a local authority having jurisdiction such as a Plumbing Inspector or building official on behalf of a municipality or utility district, a Fire Marshall, or another representative of a governmental unit.
- (3) Priority 3 - Complaints not classified as Priority 1 or Priority 2 will be classified as Priority 3. The following matters in particular will be classified as Priority 3:

- (A) Unsupervised work by a registrant, with inspection. Complaints alleging work performed by a Plumber's Apprentice that was performed without requisite supervision, but was subjected to and passed an inspection by a Plumbing Inspector;
 - (B) Late permit by a licensee. Complaints alleging work performed by a licensee who failed to timely obtain a permit, but which was thereafter permitted and inspected by a Plumbing Inspector;
 - (C) No proof of violation. Complaints alleging a violation within the Board's jurisdiction but that fail to allege a factual basis for the alleged violation or otherwise indicate an inability to obtain credible evidence to support the alleged violation; and
 - (D) Class B Violations. Any matter alleging only a violation which is classified as a Class B violation for purposes of the Board's penalty schedule, adopted by Board Rule §367.17 of this title.
- (4) A complaint alleging multiple violations will be assigned the lowest applicable investigation priority number.
 - (5) The Director of Enforcement may conduct an initial investigation of the complaint for purposes of determining the appropriate investigation priority number, prior to appointing a Field Representative to formally investigate the matter.
 - (6) The Director of Enforcement may re-classify the complaint and assign a different investigation priority number at any time within their sole discretion, when investigation of the complaint indicates it should be reassigned, either as a higher priority, or a lower priority, in accordance with the criteria set forth in subsection (d) of this section.

§367.15 Investigating Complaints

(a) Purpose and Reference to Applicable Law. This section implements the Board's processes and procedures for investigating complaints alleging violations of the PLL or Board Rules in accordance with §1301.304 of the PLL. The Board will investigate complaints from the public validly filed in accordance with Board Rule §367.13. The Board may also open a complaint investigation on its own initiative. This section also implements the Board's investigative procedures for prioritizing the investigation of complaints in accordance with §1301.303(e) of the PLL.

(b) The Board may utilize its Field Representatives, Director of Enforcement or Enforcement Committee, as appropriate, to investigate an alleged violation of the Plumbing License Law or Board Rules by a person who:

- (1) is registered or licensed under the PLL;
- (2) is the owner of a company subject to the PLL;
- (3) performs plumbing without holding a registration or license under the PLL; or
- (4) advertises or otherwise offers to perform plumbing work without holding a license under the PLL.

(c) Prioritization of Complaints. Field Representatives will prioritize the investigation of complaints filed with the Board above their other enforcement activities and duties.

Specifically, complaints will be investigated based on the investigation priority number they are assigned in accordance with Board Rule §367.14(b)(2) of this title, as follows:

- (1) Priority 1 complaints will be investigated before any other complaints, and will be investigated in order based upon the potential for harm to the public's health or safety, from greatest to least, as determined in the sole discretion of the Field Representative to whom the complaint is assigned, in consultation with the Director of Enforcement.
- (2) Priority 2 complaints will be investigated before any Priority 3 complaints, and will be investigated in order based upon the potential for harm to the public's health or safety, from greatest to least, as determined in the sole discretion of the Field Representative to whom the complaint is assigned, in consultation with the Director of Enforcement.
- (3) Priority 3 complaints will be investigated when there are not Priority 1 or Priority 2 cases open and pending and requiring active investigation by the Field Representative to whom they are assigned, except as provided by paragraph (5) of this subsection.
- (4) The Field Representative will not conduct on-site license and registrations checks for so long as a Priority 1 or Priority 2 complaint to which they have been assigned is open and pending and requires active investigation by the Field Representative, except as provided by paragraph (6) of this subsection.
- (5) The Field Investigator may investigate a complaint having a higher investigation priority number contemporaneously with the investigation of a lower investigation priority number; provided, the complaints arise from the same area or will otherwise result in gains in administrative efficiency without imposing substantial delays in investigating complaints with a lower investigation priority number that would expose the public to additional risk of harm, as determined in the sole discretion of the Field Representative, in consultation with the Director of Enforcement.
- (6) The Field Investigator may conduct on-site license and registration checks contemporaneously with and en route to investigating a complaint; provided the Field Representative determines that said checks will not impose substantial delays in investigating complaints filed with the Board and will not expose the public to additional risk of harm, as determined in the sole discretion of the Field Representative, in consultation with the Director of Enforcement.

(d) Cooperation Required. Licensees and registrants must cooperate with the Board and its Field Representatives during the investigation of a complaint.

(e) Complaint Statistics. The Director of Enforcement will maintain an electronic or hard copy case file for each written complaint alleging a violation of the Plumbing License Law or Board Rules filed with the Board and determined to be within the Board's jurisdiction in accordance with Board Rule §367.14 of this title (relating to Processing Complaints). The files are subject to the agency's record retention schedule and must include:

- (1) the source of the complaint;
- (2) the complaint and all documents submitted under §367.13(c)(5) of this title;
- (3) the date the complaint is received by the agency;

- (4) the investigation priority number assigned pursuant to §367.14(b)(2) this title;
- (5) the evidence collected during the investigation of the complaint;
- (6) the geographic area, including the name of any municipality and the county in which the conduct that is the subject of the complaint occurred;
- (7) the name of each person contacted in relation to the complaint;
- (8) a summary of the results of the review or investigation of the complaint; and
- (9) an explanation of the reason the file was closed, if the agency closed the file without taking action other than to investigate the complaint.

(f) The Director of Enforcement will review the statistical information available in the complaint files described in subsection (e) of this section to identify geographical areas of concern where enforcement activities should be focused and make recommendations to the Enforcement Committee and the Executive Director for addressing such areas utilizing the resources available to the agency.

(g) Following the investigation of a complaint, the Director of Enforcement will refer the findings of the investigation with recommendations for disposition of the complaint to the Enforcement Committee.

§367.16 Enforcement Committee; Complaint Review

(a) The Enforcement Committee shall pursue expeditious resolution of complaints by voluntary agreed settlement, whenever appropriate.

(b) The Enforcement Committee may close a complaint if it concludes:

- (1) the Board lacks jurisdiction over the complaint;
- (2) no violation of the PLL, Board Rules or a Board order has occurred;
- (3) there is insufficient evidence of a violation; or
- (4) the respondent has voluntarily come into compliance with the PLL, Board Rules, or Board order.

(c) The Enforcement Committee may close a complaint and issue a warning if:

- (1) it concludes that a violation may have occurred;
- (2) the respondent has not received any prior warnings; and
- (3) the respondent has not committed a previous violation of the PLL, Board Rules or Board orders.

(d) If the Enforcement Committee determines that a violation of the PLL, Board Rules or a Board order has occurred, it may recommend:

- (1) issuing a Cease and Desist Order pursuant to §1301.5045 of the PLL;
- (2) imposing an administrative penalty pursuant to Subchapter N of the PLL;
- (3) suspending, revoking or refusing to renew the respondent's license, endorsement or registration pursuant to §1301.451 and §1301.452 of the PLL;
- (4) reprimanding the respondent pursuant to §1301.451 and §1301.452 of the PLL; or
- (5) pursuing any other disciplinary action allowed under the Plumbing License Law and Board Rules that justice may require.

(e) The Enforcement Committee may offer an informal conference to a respondent, in

accordance with the requirements of the Administrative Procedure Act, if it will assist the committee with determining:

- (1) whether a violation occurred;
- (2) the seriousness or the effect of a violation;
- (3) the most appropriate disciplinary action;
- (4) whether to offer a settlement agreement; or
- (5) the amount of restitution to be paid by a respondent pursuant to §1301.5071 of the Plumbing License Law, instead of, or in addition to other disciplinary actions.

§367.17 Administrative Penalty

(a) If the Enforcement Committee decides to pursue an administrative penalty, a Notice of Alleged Violation must be issued to the Respondent. This notice will include a brief summary of the alleged violation, state the amount of the administrative penalty pursued, and inform the Respondent of the Respondent's right to a hearing before the State Office of Administrative Hearings on the occurrence of the violation or the amount of the penalty. There is a rebuttable presumption that the notice is received three (3) days after it was mailed.

(b) Not later than the 20th day after the Notice of Alleged Violation is received by the Respondent, the Respondent, in writing, must:

- (1) agree to settle the matter without a formal hearing before the State Office of Administrative Hearings and accept the determination and settlement penalty recommended by the Enforcement Committee; or
- (2) make a request for a formal hearing before the State Office of Administrative Hearings on the occurrence of the violation, the amount of the penalty, or both.

(c) If, within twenty (20) days of receipt, the Respondent fails to respond to the Notice of Alleged Violation and either accept the Enforcement Committee's determination and recommended administrative penalty, sanction, or both, or make a written request for a hearing on the determination, the Enforcement Committee may propose entry of a default order against the Respondent unless otherwise provided by applicable law.

(d) Where the Respondent fails to answer to the Notice of Alleged Violation, the Enforcement Committee may present to the Board a proposed Default Order containing findings of fact and conclusions of law. The Board may grant the relief recommended in the proposed Default Order, or such other relief as may be justified by the evidence presented by the Enforcement Committee.

(e) If the Respondent agrees to settle the matter without a formal hearing and accepts the determination and amount of penalty recommended by the Enforcement Committee, the Respondent must pay the penalty to the Board according to an agreed schedule, or if there is no agreed schedule, not later than sixty (60) days following the date that the Notice of Alleged Violation was issued.

(f) The Enforcement Committee must report the proposed agreement to the Board stating a summary of the facts or allegations against the Respondent and the amount of the recommended administrative penalty. The Board may approve the proposed agreement and its recommended penalty by order. If the Respondent subsequently violates the Board's

Order adopting the agreement between the Respondent and the Enforcement Committee by failing to pay the penalty timely, the Board may:

- (1) refuse to renew the Respondent's license or registration;
- (2) refuse to issue a new license or registration to the Respondent, under §1310.451 of the Plumbing License Law;
- (3) revoke the Respondent's license or registration; and
- (4) may sue the Respondent to collect the penalty owed under §1301.712 of the Plumbing License Law.

(g) The Enforcement Committee must set a formal hearing on the matter as a contested case before an administrative law judge at the State Office of Administrative Hearings if:

- (1) the Respondent requests a formal hearing as required by subsection (b)(2) of this section;
- (2) the parties do not agree to settle the matter as stated in subsection (e) of this section;
- (3) the Board declines to approve the proposed agree in subsection (f) of this section; or
- (4) the Respondent attends at the time and place prescribed in the notice required by subsection (d) of the section.

(h) Following the hearing, the administrative law judge must issue a proposal for decision to the Board containing findings of facts and conclusions of law. While the administrative law judge may recommend a sanction, findings of fact and conclusions of law are inappropriate for sanction recommendations, and sanction recommendations in the form of findings of fact and conclusions of law are an improper application of applicable law and these rules. Sections 1301.451, 1301.701, and 1301.706 of the Plumbing License Law provide that the Board must impose the appropriate sanction. In all cases, the Board has the discretion to impose the sanction that best accomplishes the Board's legislatively-assigned enforcement goals. The Board is the ultimate arbiter of the proper penalty.

(i) The Board may impose an administrative penalty alone or in addition to other sanctions permitted under the Plumbing License Law.

(j) In determining the proper administrative penalty, the Board will apply the factors to be considered set forth in §1301.702(b) of the Plumbing License Law.

(k) The following table (Figure: 22 TAC §367.17(k) on next page) contains guidelines for the assessment of administrative penalties in disciplinary matters. This table is for standard violations under normal circumstances and does not necessarily include every possible violation of the Plumbing License Law or Board Rules. The table is divided into two classes of violations. Class A violations are those violations with greater potential to jeopardize public health, safety, welfare, property, or environment. Class B violations are those with less immediate potential to jeopardize public health, safety, welfare, property, or environment.

CLASS A VIOLATIONS			
Number	Description	References	Penalty
1.	Employing a person to engage in plumbing work without the proper endorsement	§1301.452(a)(5); §367.11(c)(2)	\$2,000 (+\$2,000 if work required a Med Gas Endorsement)
2.	Advertising to perform or provide plumbing without securing the services of a Responsible Master Plumber (RMP)	§1301.351(a-2); §367.9(a)	\$2,500
3.	Evading responsibility to an employer	§367.3(a)(3)	\$2,500
4.	Failing to verify a Certificate of Insurance (COI) on the Board's website before issuing a permit	§1301.552	\$2,500
5.	Falsely claiming that a person is a licensed or registered plumber or using the license or registration number of another	§1301.452(a)(3) and (4); §367.11(e)	\$3,000
6.	Falsely claiming that a person has secured the services of a RMP; using the license number of a RMP who is not an owner or employee of the company	§1301.452(a)(3) and (4); §367.9(b); §367.11(e)	\$3,000
7.	Performing a plumbing inspection while having a financial or advisory interest in a plumbing company	§1301.353; §367.4(a)(1)	\$4,000
8.	Performing a plumbing inspection without the proper license	§1301.351(b); §367.11(b)	\$4,000
9.	Engaging in plumbing without the proper license, registration or endorsement	§1301.351(a); §367.11(a)	\$4,000 (+\$1,000 if work involved natural gas)
10.	Employing an unlicensed or unregistered person	§1301.351(a); §367.11(a)	\$4,000
11.	Failing to supervise	§1301.351(a)(2); §367.5(d)	\$4,000
12.	Misrepresenting services provided or services to be provided	§1301.452(a)(3); §367.3(c)	\$4,000
13.	Making a false promise with the intent to induce a person to contract	§1301.452(a)(4); §367.3(a)	\$4,000
14.	Evading responsibility to a client	§367.3(a)(3)	\$4,000
15.	Contracting or otherwise offering to perform plumbing without securing the services of a RMP	§1301.351(a-2); §367.9(a)	\$5,000
16.	Allowing illegal use of a RMP license	§367.11(f); §367.5(b)	\$5,000
17.	Failing to maintain insurance while acting as a RMP	§1301.351(a-1); §1301.3576(1); §1301.552; §367.6(a)	\$5,000
18.	Willfully, negligently, or arbitrarily violating a municipal rule or ordinance	§1301.452(a)(2); §367.3(d)	\$5,000
19.	Failing to provide a six-hour continuing professional education course	§1301.404; §1301.405; §365.19(c); §365.20(d)(1)	\$5,000
20.	Violating a Cease and Desist Order	§1301.5045	Penalty equal to the penalty for whatever activity the Order covered

CLASS B VIOLATIONS			
Number	Description	References	Penalty
1.	Engaging in plumbing without direct supervision	§1301.351(a); §365.1(i); §367.11(a)	\$1,000
2.	Failing to include the Board's contact information or the name and license number of the RMP on a written proposal, estimate, invoice, or contract	§1301.302; §367.10(c)	\$1,000
3.	Failing to permanently display RMP license number or company name on both sides of a service vehicle	§367.10(b)	\$1,000
4.	Failing to display or state RMP license number in an advertisement for plumbing	§367.10(d)	\$1,000
5.	Failing to include inspector license number on an inspection report	§367.4(e)	\$1,000
6.	Failing to provide a COI to the Board	§1301.3576(1); §367.6(b)	\$1,000
7.	Failing to provide insurance information to a customer upon request	§367.6(c)	\$1,000
8.	Failing to provide an invoice or completed contract upon completion of the job	§1301.302; §367.3(a)(4)	\$2,000
9.	Refusing to fill out an Employer Certification Form	§363.2(d)	\$2,000
10.	Obtaining or attempting to obtain a license, registration or endorsement through error, fraud, or the provision of false information to the Board	§1301.452(a)(1); §363.23(b)	\$2,000
11.	Requiring a person who obtains a permit to pay a registration or administrative fee	§1301.551(g)	\$2,000

(l) The amounts specified in the table in subsection (k) of this section are guidelines only. The Board retains the right to increase or decrease the amount of an administrative penalty based on the circumstances in each case. In particular, the Board may increase the amount of administrative penalties when the Respondent has committed multiple violations (e.g., some combination of different violations).

(m) Because it is the policy of the Board to pursue expeditious resolution of complaints when appropriate, administrative penalties in uncontested cases may be less than the amounts specified in the table in subsection (k) of this section. Among other reasons, this may be because the Respondent admits fault, takes steps to rectify matters, timely responds to Board concerns, or identifies mitigating circumstances, and because settlements avoid additional administrative costs to the Board.

(n) The cost of preparing the transcript of an administrative hearing is not an administrative penalty. Yet in all cases where the Board has determined that a violation occurred, the Board assesses the cost of the transcript of the administrative hearing to the Respondent.

(o) Based on the proposal for decision, including the findings of fact and conclusions of law, the Board must issue an Order stating its decision in the contested case and a notice to the Respondent of the Respondent's right to judicial review of the Order.

(p) When the Default Order adopted under subsection (d) of this section or the Order adopted under subsection (o) of this section includes the imposition of an administrative penalty:

- (1) not later than the 30th day after the date that the Default Order or Order becomes final:

- (A) the Respondent must pay the penalty to the Board; or
 - (B) the Respondent must file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both, in accordance with §1301.707 or §1301.708 of the Plumbing License Law.
- (2) after all opportunities for judicial review have passed and it is determined that the Respondent owes the penalty and fails to pay the penalty timely:
- (A) the Board is authorized to refuse to renew the Respondent's license or registration and refuse to issue a new license or registration to the Respondent, under §1301.707 of the Plumbing License Law; and
 - (B) the Attorney General may sue the Respondent to collect the penalty under §1301.712 of the Plumbing License Law.

§367.18 Reprimand; Probation; Suspension; Revocation

(a) In accordance with §1301.452 of the PLL, upon a determination that a violation of the PLL, an order issued by the board, or a board rule has occurred, the Board, pursuant to §1301.451 of the PLL, shall revoke, suspend, or refuse to renew a license, endorsement, or registration or shall reprimand a holder of a license or registration.

(b) For the purposes of this section, a reprimand means any disciplinary action, other than the probation, suspension or revocation of a license, endorsement or registration.

(c) A person whose license, endorsement, or registration has been revoked pursuant to this section may not apply for a new license, endorsement, or registration before one year from the date of final revocation.

(d) The Board may place on probation a person whose license, endorsement, or registration is suspended. If a license, endorsement, or registration suspension is probated, the board may require the person:

- (1) to report regularly to the agency on matters that are the basis of the probation;
- (2) to limit practice to the areas prescribed by the board; or
- (3) to continue or review professional education until the person attains a degree of skill satisfactory to the board in those areas that are the basis of the probation.

(e) If the Enforcement Committee or the Board determines that probation is appropriate to deter future violations of the Plumbing License Law and Board Rules by the respondent, probation shall be administered consistently under the following guidelines:

- (1) for violations with greater potential to jeopardize public health, safety, welfare, property, or environment (as listed in the Board's Administrative Penalty Schedule for Class A violations), the term of the probation may not be less than one year or more than five years; and
- (2) for violations with less potential to jeopardize public health, safety, welfare, property, or environment (as listed in the Board's Administrative Penalty Schedule for Class B violations), the term of the probation may not be less than six months or more than one year.

(f) Probation by voluntary agreed settlement between a respondent and the Enforcement Committee may meet such terms that both parties deem fair and which in the interest of justice may require.

§367.19 Failure to Request a Hearing After Notice of Intent to Deny or Revoke

(a) If the Enforcement Committee proposes to deny an application for examination or registration or revoke or suspend a license, registration, or endorsement, pursuant to §1301.451 of the Plumbing License Law, the Enforcement Committee shall give timely written notice of the denial or revocation to the applicant to the last known address provided to the Board by the applicant.

(b) The language of the notice shall include:

- (1) a summary of the allegations against the applicant;
- (2) the applicant's right to be represented by an attorney on the matter;
- (3) the applicant's right to request a hearing on the matter before SOAH;
- (4) the applicant's request for a hearing must be made no later than twenty (20) days after the receipt of the notice; and
- (5) the applicant's failure to request a hearing within twenty (20) days after the receipt of the notice results in the Enforcement Committee's decision to deny or revoke becoming final and judicial appeal of the denial or revocation being waived by the applicant.

(c) Any individual whose application for examination or registration has been denied or whose license, registration or endorsement has been revoked may re-apply to the Board after a waiting period of at least one year from the date that the denial or revocation became final. The Enforcement Committee shall be delegated the authority of making the initial review of the re-application. If the Committee decides to deny the re-application it shall proceed as defined in subsection (a) of this section.

(d) If the committee makes a decision to approve the applicant's request, it must be presented for approval before the Board members, at a regularly scheduled Board meeting to approve the applicant's request, if approved, then the applicant is to follow the same licensing or registration procedures required of a firsttime licensee or registrant.

§367.20 Informal Conference

(a) Purpose and Reference to Applicable Law. It is the policy of the Board to resolve contested cases efficiently by informally disposing of matters by agreement and voluntary settlement whenever possible, to the extent such settlement is aligned with and will advance the Board's regulatory functions. This section implements the Board's processes and procedures for effectuating informal disposition of contested cases, including procedures for conducting Informal Settlement Conferences, pursuant to §1301.5071 of the PLL. For the foregoing reasons, and in order to advance the State's policy goals expressed in Chapter 2009 of the Government Code (Governmental Dispute Resolution Act) and Chapter 154 of the Civil Practice and Remedies Code to resolve disputes as fairly and expeditiously as possible, contested cases that the Board determines are capable of being resolved by informal disposition and voluntary settlement will be referred to an Informal Settlement Conference to seek such resolution.

(b) Referral to Informal Settlement Conference (ISC). In the event an individual makes a timely request for an adjudicative hearing in accordance with §1301.704 of the PLL and Board Rule §367.19(f), prior to the Board docketing the matter at SOAH and setting such hearing, the Director of Enforcement will determine whether to refer the matter to an Informal Settlement Conference in accordance with this section. In making such determination, the Director of Enforcement will consider:

- (1) whether the complainant or the respondent has requested an ISC in accordance with subsection (d) of this section;
- (2) if an ISC is requested by the respondent, whether the request appears to have been brought in bad faith or for purposes of delay rather than to resolve the matter;
- (3) the extent to which the contested case involves factual matters in dispute;
- (4) the extent to which a complainant or other party has suffered damages that may be compensated through the payment of restitution, in accordance with §1301.5071 of PLL; and
- (5) in cases in which the Board seeks to suspend or revoke a license, registration or endorsement, the extent to which probationary restrictions might present a viable alternative to suspension or revocation.

(c) Non-referral to Informal Settlement Conference. The following contested cases are ineligible for and will not be referred to an ISC:

- (1) cases in which the Board is seeking denial of an application for a license, registration or endorsement, or to take an examination; and
- (2) cases concerning a determination, following a request for preliminary review of an individual's criminal background, that an individual is ineligible for licensure.

(d) Request for Informal Settlement Conference. A complainant or the respondent may request to refer an eligible matter to an Informal Settlement Conference by making a written request delivered to the Board. A request for an ISC is a factor to be considered by the Director of Enforcement in determining whether to refer the contested case to an ISC, but will not automatically result in referral to an ISC.

(e) Notice of Informal Settlement Conference. If a contested case is referred to an ISC, the respondent will be provided with at least thirty (30) days' written notice of the ISC. The Board will contact the respondent and any other party invited to attend for purposes of attempting to set the date and time for the ISC by agreement.

(f) Submission of Informal Settlement Conference Materials. At least ten (10) days in advance of the Informal Settlement Conference, the respondent must:

- (1) submit all documentary evidence to be considered by the Board at the Informal Settlement Conference not already contained in the investigation report submitted by the Board's Field Investigator and reviewed by the Board in initiating the contested case;
- (2) submit any written accounts or witness statements of the respondent, or any third parties, relevant to the matter, that the respondent would like the Board to consider, signed and dated, and sworn under oath or made by unsworn declaration in accordance with Chapter 132 of the Civil Practice and Remedies Code; and
- (3) to the extent respondent is represented by an attorney, a letter of representation from the attorney asserting said representation.

(g) Appearance at an Informal Settlement Conference. Appearance at an Informal Settlement Conference may be in person or by phone. The Board may conduct the Informal

Settlement Conference by video conferencing to the extent it is determined by the Executive Director or Director of Enforcement to be technically feasible and allowable.

(h) Appearance by the Board. An Informal Settlement Conference is not a meeting of the members of the Board, and will not be attended by Board members. The Executive Director and/or the Director of Enforcement will attend and will preside over the Informal Settlement Conference. An attorney on the Board's staff will also attend the Informal Settlement Conference. The Field Investigator who investigated the complaint may attend, in addition to any other Board staff whose appearance may be helpful, as determined by the Executive Director or the Director of Enforcement.

(i) Invitation of the Complainant or Third Parties. The Board may invite the complainant or a third party

with information relevant to the investigation to attend the Informal Settlement Conference.

(j) Format; Record. At the Informal Settlement Conference, members of Board staff will review the materials submitted by the respondent in accordance with subsection (f) of this section. Board staff will question the respondent concerning any matters deemed relevant to investigating and resolving the matter. The respondent will be given an opportunity to be heard by Board staff to present their case. The Respondent should be prepared to identify any defenses or mitigating factors weighing in favor of a lesser penalty or other form of discipline sought by the Board. A record of the proceeding may be taken as determined in the discretion of the Executive Director or Director of Enforcement, including by audio or video recording. To the extent a record is made, the Board will notify the respondent of that fact. A copy will be provided to the respondent, upon written request. Admissions made by the respondent at the ISC may be used at a formal adjudicative hearing at SOAH, if applicable.

(k) Proposed Settlement; Agreed Final Order. To the extent Board staff and the respondent agree in principle to a proposed resolution of the contested case that includes payment of restitution, action on the respondent's license or registration, the payment of an administrative penalty or any other disciplinary action, or combination of disciplinary actions, the Board will prepare an Agreed Final Order capturing the terms of the proposed settlement, to be presented to the Board for consideration and possible adoption. To the extent restitution payments are proposed, the amount of the restitution will be included in the Agreed Final Order, and the payee of the restitution payments will be specifically named, and their last known address listed, in such Agreed Final Order.

§367.21 Contested Case; State Office of Administrative Hearings

(a) A contested case shall mean any action that is referred by the Enforcement Committee or the Board to SOAH.

(b) Respondent means:

- (1) a person in a contested case charged with a violation of the Plumbing License Law or Board Rules; or
- (2) an applicant who has been denied a license, registration or endorsement by the Enforcement Committee.

(c) The Board shall provide for a hearing at SOAH, when requested by a respondent, after issuing a formal complaint that:

- (1) charges an individual with any violation of the Plumbing License Law or Board Rules; or

- (2) would prevent an otherwise qualified individual from obtaining an initial registration, renewing a license, registration, or endorsement, or taking an examination.
- (d) The Board shall conduct the hearing in accordance with all applicable provisions of the:
 - (1) Administrative Procedure Act;
 - (2) State Office of Administrative Hearings Rules;
 - (3) Plumbing License Law; and
 - (4) Board Rules.
- (e) The Board may serve the notice of hearing on the respondent at his or her last known address as shown by the Board's records.

§367.22. Failure to Attend Hearing and Default.

- (a) Default. If the party who does not have the burden of proof fails to appear at a contested case hearing at the State Office of Administrative Hearings (SOAH), the administrative law judge must issue a default proposal for decision that can be adopted by the Board.
- (b) Failure to issue default proposal for decision. If the administrative law judge grants a default but does not issue a default proposal for decision and instead issues a default order dismissing the case and returning the file to the Plumbing Board for informal disposition on a default basis in accordance with §2001.056 of the Texas Government Code, the Board may issue a final order deeming the allegations in the complaint as true and imposing the sanctions requested in the complaint.
- (c) Failure to prosecute: If an applicant for licensure fails to appear at a contested case hearing at the SOAH, the administrative law judge must dismiss the case for want of prosecution, any relevant application will be withdrawn, and the Board may not consider a subsequent application from the party until the first anniversary of the date of dismissal of the case at SOAH. If the administrative law judge dismisses the case and returns the file to the board for informal disposition on a default basis in accordance with § 2001.056 of the Texas Government Code, the Board will issue a final order referring to this rule and advising the applicant that his or her application was withdrawn and that he or she may reapply for licensure one year after the date of the dismissal of the case at the SOAH.
- (d) Applicants for licensure bear the burden to prove fitness for licensure.
- (e) Contesting a final order issued following a default or dismissal for failure to prosecute. In the event that the respondent wishes to contest a final order issued following a default or dismissal for failure to prosecute, the respondent must timely file a motion for rehearing as provided by Chapter 2001 of the Texas Government Code and this motion must show the following:
 - (1) the failure to timely file a written answer or appear at the SOAH hearing was caused by fraud, accident, or wrongful act or mistake of the Board;
 - (2) the failure to timely file a written answer or appear at the SOAH hearing was not the result of respondent's fault or negligence nor of respondent's representative if any;
 - (3) the respondent has a meritorious defense; and
 - (4) the motion for rehearing must be supported by affidavits and documentary evidence of the above and show a prima facie case for a meritorious defense.

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