

## BILL ANALYSIS

**DATE:** 3/2/09

**COMMITTEE:** Consumer Protection and  
Professional Licensure

**BILL NO.:** SB 288

**PRIME SPONSOR:** Sen. Erickson

**PRINTER NO.** 290

Enacts the Plumbing Contractors Licensure Act.

### **Summary:**

Establishes the State Board of Plumbing Contractors within the Department of Labor and Industry consisting of the Secretary of the department, two public members and six professional members appointed by the Governor with Senate confirmation. The members shall select a chairman. A majority of the members constitutes a quorum. A professional or public member who fails to attend three consecutive meetings forfeits his position. The board shall meet at least four times a year in Harrisburg.

Defines “apprentice plumber,” “journeyman plumber,” “master plumber” and “plumbing services.”

The board shall regulate the licensing and regulation of individuals engaged in plumbing services. The board may approve professional testing organizations to administer tests to applicants for licensure. Requires the board to maintain an Internet registry of licensed plumbers.

Requires an individual to be licensed in order to provide plumbing services, offer himself for employment to provide plumbing services or hold himself out as an individual authorized to perform plumbing services. Prohibits a business from employing an unlicensed individual.

Includes two exceptions to licensure. A journeyman plumber or apprentice plumber need not be licensed if they work under the direction and supervision of a master plumber and a licensed plumbing contractor assumes full responsibility for inspection of their work. An individual who is not in the business of

providing plumbing services and who performs minor repairs in a residence need not be licensed.

Authorizes an individual who holds a license as a master plumber or maintained inactive status to use the title “licensed plumbing contractor.” An individual who performs minor repairs shall not be required to obtain a license.

A master plumber must have performed plumbing services for five years, one as a journeyman and four as an apprentice or else submit proof that the individual has sufficient training and experience to sit for a master plumber exam.

A journeyman plumber must have performed plumbing services for at four years as an apprentice plumber or serve 8,000 hours and complete at least 576 hours of related technical education at an accredited school in order to take the exam. An additional exam is required to provide plumbing services in a first or second class county.

An apprentice plumber must register with the department under the Apprenticeship and Training Act.

The board may grant a master plumber or journeyman license without examination if the individual does all of the following:

1. Applies within one year of the effective date of the bill.
2. Meets the requirements of age and character.
3. For a master plumber, submits proof of five years of prior experience, possession of a current business license and passage of the exam.
4. For a journeyman plumber, submits proof of four years of experience under the direction of a licensed plumber.
5. Passage of an exam administered by the county by the respective county on the plumbing code of either a county of the first or second class.

The board shall not issue a license to an individual convicted of a drug felony within the last five years. If the conviction is older than five years, the individual must demonstrate rehabilitation.

Authorizes the board to develop a program of continuing education. Requires a master plumber or journeyman to obtain ten hours of continuing education during the two calendar years immediately preceding license renewal.

Allows the board to issue a license without exam to an individual licensed in another jurisdiction if the individual demonstrates that the individual meets or exceeds the experience requirements and has passed an exam demonstrating knowledge of a plumbing code. Plumbers are required to report licenses held in other jurisdictions and disciplinary action taken in that jurisdiction.

Licenses must be renewed biennially. A licensee may request inactive status.

Allows the board to establish fees by regulation, including a renewal fee. All fees, fines and civil penalties shall be paid to the department.

A violation of the act is a misdemeanor subject to a fine of not more than \$1,000 or up to six months in prison and a \$2,000 fine and up to one year in prison for a subsequent offense.

Provides a civil penalty of up to \$10,000 for a licensee who violates the act, an individual who performs plumbing services in violation of the act or an individual who holds himself out as a licensed plumber.

Allows the board to refuse to renew or to revoke licenses for:

1. Negligence and incompetence.
2. Inability to perform services for mental or physical reasons.
3. A violation of the act or regulation.
4. Commission of an act of fraud or deceit.
5. Conviction of a crime of moral turpitude.
6. Disciplinary action in another state.
7. Failure to appropriately supervise a journeyman.
8. False advertisement.
9. Failure to complete continuing education requirements.

Allows an individual with a revoked license to reapply for licensure after five years.

Allows the board to apply to a court for an injunction. Allows the board to issue subpoenas and administer oaths.

An individual who is licensed under this act need not receive a municipal license to perform plumbing services. Nothing prevents a municipality from inspecting plumbing services, imposing a business tax or revoking a local permit for failure to comply with ordinances.

Creates a restricted account to receive all moneys from licensure. Funds in the account are appropriated on approval of the Governor for payment of costs of licensing.

Appropriates \$85,000 to the department for costs relating to licensing. Requires the board to begin to promulgate regulations within 18 months.

The section requiring licensure is effective in 180 days. The remainder of the act is effective in 60 days.