
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1141 Session of
2009

INTRODUCED BY SOLOBAY, BELFANTI, CALTAGIRONE, GRUCELA, HORNAMAN,
KORTZ, KOTIK, MAHONEY, MANN, MELIO, MURT, READSHAW, REICHLLEY
AND WHITE, MARCH 27, 2009

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 27, 2009

AN ACT

1 Providing for plumbing contractors licensure; establishing the
2 State Board of Plumbing Contractors and providing for its
3 powers and duties; conferring powers and imposing duties on
4 the Department of Labor and Industry; establishing fees,
5 fines and civil penalties; creating the Plumbing Contractors
6 Licensure Account; and making an appropriation.

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17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 CHAPTER 1

20 PRELIMINARY PROVISIONS

21 Section 101. Short title.

22 This act shall be known and may be cited as the Plumbing
23 Contractors Licensure Act.

24 Section 102. Definitions.

25 The following words and phrases when used in this act shall
26 have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 "Apprentice plumber." An individual who is registered as an
29 apprentice under the act of July 14, 1961 (P.L.604, No.304),
30 known as The Apprenticeship and Training Act, and who is

1 licensed by the State Board of Plumbing Contractors as an
2 individual whose principle occupation is learning and assisting
3 in the performance of plumbing services.

4 "Board." The State Board of Plumbing Contractors.

5 "Conviction." The term includes a judgment, an admission of
6 guilt or a plea of nolo contendere.

7 "Department." The Department of Labor and Industry of the
8 Commonwealth.

9 "Journeyman plumber." An individual who is licensed by the
10 State Board of Plumbing Contractors to assist a master plumber
11 with the performance of plumbing services.

12 "Master plumber" or "licensed plumbing contractor." An
13 individual who has been licensed by the State Board of Plumbing
14 Contractors and who is authorized to perform plumbing services
15 and to supervise plumbing services provided by an apprentice
16 plumber or a journeyman plumber.

17 "Minor repairs." The repair of an existing plumbing fixture,
18 including the replacement of faucets or valves or parts of
19 faucets or valves, the clearance of stoppages, the stopping of
20 leaks without replacement of water, drainage or vent piping, the
21 relieving of frozen pipes or other minor replacement or repair
22 of existing plumbing fixtures.

23 "Plumbing services." The installation, maintenance,
24 extension, erection, repair or alteration of piping, plumbing
25 fixtures, plumbing appliances and plumbing apparatus in
26 connection with sanitary drainage, storm facilities and building
27 sewers to the facility's or sewer's final connection to an
28 approved point of disposal, venting systems, public and private
29 water supply systems of a premises or building within the
30 property line and to the final connection with an approved

1 supply system. The term also includes the installation,
2 maintenance, extension, erection, repair or alteration of
3 piping, plumbing fixtures and plumbing apparatus used for storm
4 facilities and building sewers, liquid waste or sewage.

5 CHAPTER 3

6 BOARD

7 Section 301. State Board of Plumbing Contractors.

8 (a) Establishment.--There is established within the
9 department the State Board of Plumbing Contractors.

10 (b) Composition.--The board shall consist of the following:

11 (1) The Secretary of Labor and Industry or a designee.

12 (2) Two public members.

13 (3) Six professional members. Professional members shall
14 have been actively engaged in providing plumbing services in
15 this Commonwealth for at least ten years immediately
16 preceding appointment. Two professional members shall reside
17 in a county of the first class. One professional member shall
18 reside in a county of the second class. Three professional
19 members shall be subject to collective bargaining agreements.
20 Three professional members shall not be subject to collective
21 bargaining agreements. Except as set forth in subsection (f),
22 professional members shall be licensed under this act as
23 master plumbers.

24 (c) Meeting.--The board shall meet within 30 days after the
25 appointment of its first members and shall set up operating
26 procedures and develop application forms for licensure. It shall
27 be the responsibility of the board to circulate the forms and
28 educate the public regarding the requirements of this act and
29 providing plumbing services in this Commonwealth.

30 (d) Term of membership.--Professional and public members

1 shall be appointed by the Governor with the advice and consent
2 of the Senate. Professional and public members shall be citizens
3 of the United States and residents of this Commonwealth. Except
4 as provided in subsection (e), professional and public members
5 shall serve a term of four years, or until a successor has been
6 appointed and qualified but in no event longer than six months
7 beyond the four-year period. In the event that a member dies or
8 resigns or is otherwise disqualified during the term of office,
9 a successor shall be appointed in the same way and with the same
10 qualifications and shall hold office for the remainder of the
11 unexpired term. A professional or public member shall not be
12 eligible to hold more than two consecutive terms.

13 (e) Appointments.--For professional and public members
14 initially appointed to the board under this act, the term of
15 office shall be as follows:

16 (1) Five members shall serve for a term of four years.

17 (2) Two members shall serve for a term of three years.

18 (3) One member shall serve for a term of two years.

19 (f) Professional members and initial appointments.--A
20 professional member initially appointed to the board under this
21 act need not be licensed at the time of appointment but, at the
22 time of appointment, must have satisfied eligibility
23 requirements for licensure as provided in this act.

24 (g) Quorum.--A majority of the members of the board shall
25 constitute a quorum. Except for temporary and automatic
26 suspensions under section 705, a member may not be counted as
27 part of a quorum or vote on any issue unless the member is
28 physically in attendance at the meeting.

29 (h) Chairman.--The board shall select annually a chairman
30 from among its members.

1 (i) Expenses.--With the exception of the secretary, each
2 member of the board shall receive \$60 per diem when actually
3 attending to the work of the board. A member shall also receive
4 the amount of reasonable traveling, hotel and other necessary
5 expenses incurred in the performance of the member's duties in
6 accordance with Commonwealth regulations.

7 (j) Forfeiture.--A professional or public member who fails
8 to attend three consecutive meetings shall forfeit the member's
9 seat unless the secretary, upon written request from the member,
10 finds that the member should be excused from a meeting because
11 of illness or the death of a family member.

12 (k) (Reserved).

13 (l) Frequency of meetings.--The board shall meet at least
14 four times a year in the City of Harrisburg and at such
15 additional times as may be necessary to conduct the business of
16 the board.

17 Section 302. Powers and duties of board.

18 (a) General rule.--The board shall have the following powers
19 and duties:

20 (1) To provide for and regulate the licensing of
21 individuals engaged in providing plumbing services.

22 (2) To issue, renew, reinstate, fail to renew, suspend
23 and revoke licenses as provided for in this act.

24 (3) To administer and enforce the provisions of this
25 act.

26 (4) To approve professional testing organizations to
27 administer tests to qualified applicants for licensure as
28 provided in this act. Written, oral or practical examinations
29 shall be prepared and administered by a qualified and
30 approved professional testing organization approved by the

1 board.

2 (5) To investigate applications for licensure and to
3 determine the eligibility of an individual applying for
4 licensure.

5 (6) To promulgate and enforce regulations, not
6 inconsistent with this act, as necessary only to carry into
7 effect the provisions of this act. This paragraph includes
8 the setting of fees. Regulations shall be adopted in
9 conformity with the provisions of the act of July 31, 1968
10 (P.L.769, No.240), referred to as the Commonwealth Documents
11 Law, and the act of June 25, 1982 (P.L.633, No.181), known as
12 the Regulatory Review Act.

13 (7) To keep minutes and records of all its proceedings.

14 (8) To keep and maintain a registry of individuals
15 licensed by the board. The board shall provide access to the
16 registry to the public, including making the registry
17 available on a publicly accessible Internet website.

18 (9) To submit annually to the department an estimate of
19 financial requirements of the board for its administrative,
20 legal and other expenses.

21 (10) To submit annually a report to the Consumer
22 Protection and Professional Licensure Committee of the Senate
23 and the Professional Licensure Committee of the House of
24 Representatives. The report shall include a description of
25 the types of complaints received, status of cases, the action
26 which has been taken and the length of time from initial
27 complaint to final resolution.

28 (11) To submit annually to the Appropriations Committee
29 of the Senate and the Appropriations Committee of the House
30 of Representatives, 15 days after the Governor has submitted

1 a budget to the General Assembly, a copy of the budget
2 request for the upcoming fiscal year which the board
3 previously submitted to the department.

4 CHAPTER 5

5 LICENSURE

6 Section 501. Licensure.

7 (a) General rule.--An individual may not provide plumbing
8 services, offer himself for employment as an individual who may
9 provide plumbing services or hold himself out as an individual
10 authorized to perform plumbing services unless licensed by the
11 board.

12 (b) Business entities.--An individual, corporation,
13 partnership, firm or other entity shall not:

14 (1) Employ an individual to provide plumbing services or
15 direct an individual to provide plumbing services unless the
16 individual is licensed under this act.

17 (2) Use the term "licensed plumbing contractor" in
18 connection with the entity unless at least one employee or
19 the owner of the entity is licensed as a master plumber in
20 accordance with this act.

21 (c) Title.--An individual who holds a license as a master
22 plumber or is maintained on inactive status under section 505(b)
23 shall have the right to use the title "licensed plumbing
24 contractor" and the abbreviation "L.P.C." No other individual
25 shall use the title "licensed plumbing contractor" or the
26 abbreviation "L.P.C." Except as provided in subsection (d), no
27 individual shall hold himself out as being authorized to provide
28 plumbing services.

29 (d) Exceptions.--The following exceptions apply:

30 (1) A journeyman plumber or an apprentice plumber may

1 hold himself out as being authorized to perform plumbing
2 services if the journeyman plumber or the apprentice plumber
3 work under the direction and supervision of a master plumber.

4 (2) An individual who is not in the business of
5 providing plumbing services and who performs minor repairs in
6 a residence shall not be required to obtain a license under
7 this act.

8 (e) Responsibility.--A licensed plumbing contractor shall
9 assume full responsibility for inspection of plumbing services
10 irrespective of whether the plumbing services were performed by
11 the licensed plumbing contractor or by a journeyman plumber or
12 an apprentice plumber working under the direction and
13 supervision of the licensed plumbing contractor. In addition,
14 the licensed plumbing contractor shall direct and supervise
15 plumbing services performed by a journeyman plumber or an
16 apprentice plumber. This subsection includes the responsibility
17 of the licensed plumbing contractor to ensure conformance with
18 safety standards and applicable plumbing codes, including
19 plumbing codes for first class counties and second class
20 counties.

21 Section 502. Qualifications.

22 (a) Master plumber.--To be eligible to apply for licensure
23 as a master plumber, an applicant must fulfill the following
24 requirements:

25 (1) Be of good moral character.

26 (2) Be at least 18 years of age.

27 (3) Submit proof satisfactory to the board that the
28 applicant has provided plumbing services for not less than
29 five years prior to application. Of the five years'
30 experience, five years shall have been as a master plumber or

1 one year shall have been as a journeyman plumber and four
2 years shall have been as an apprentice plumber. In lieu of
3 the five years' experience provided in this paragraph, an
4 applicant may submit proof of the applicant's experience
5 satisfactory to the board that the individual has sufficient
6 training and experience to sit for the examination.

7 (4) Pay the fee set by the board.

8 (5) Pass the examination provided by the board.

9 (6) Provide a current certificate of liability insurance
10 in the amount of \$500,000.

11 (b) Journeyman plumber.--To be eligible for licensure as a
12 journeyman plumber, an applicant must fulfill the following
13 requirements:

14 (1) Be of good moral character.

15 (2) Be at least 18 years of age.

16 (3) Submit proof satisfactory to the board that the
17 applicant has provided plumbing services for not less than
18 four years as a journeyman or an apprentice plumber or has
19 served 8,000 hours as an apprentice plumber and has
20 satisfactorily completed at least 576 hours of related
21 technical education at an accredited school.

22 (4) Pay the fee set by the board.

23 (5) Pass the examination provided by the board.

24 (c) Additional requirement.--In addition to passing the
25 examination set forth in subsection (a) (5) or (b) (5), an
26 individual applying for licensure as a master plumber or a
27 journeyman plumber who provides or will provide plumbing
28 services in either a first class county or a second class county
29 must pass an examination on the plumbing code of the first class
30 county or the second class county, as appropriate.

1 (d) Apprentice plumber.--To be eligible for licensure as an
2 apprentice plumber, an applicant shall fulfill the following
3 requirements:

4 (1) Be of good moral character.

5 (2) Be at least 16 years of age.

6 (3) Register with the Department of Labor and Industry
7 as set forth in the act of July 14, 1961 (P.L.604, No.304),
8 known as The Apprenticeship and Training Act. The apprentice
9 plumber shall submit proof of current registration to the
10 board.

11 (4) Pay the fee set by the board.

12 (e) Renewal of license of apprentice plumber.--In the case
13 of an apprentice plumber applying for renewal of a license where
14 registration under subsection (d) (3) has expired or otherwise
15 lapsed before the biennial renewal cycle will expire, the
16 apprentice plumber shall submit evidence satisfactory to the
17 board that the apprentice plumber has renewed registration to
18 the council. Failure to notify the board within 30 days that
19 registration has expired or otherwise lapsed shall subject the
20 apprentice plumber to disciplinary action. In the case of an
21 apprentice plumber whose registration has expired or otherwise
22 lapsed, the license shall be immediately placed in inactive
23 status by the board. The board shall promulgate regulations in
24 order to carry out the provisions of this subsection, including
25 regulations setting forth the evidence necessary to demonstrate
26 renewal of registration.

27 (f) Waiver of examination.--Notwithstanding the provisions
28 of subsections (a) (5) and (b) (5), the board may grant a license
29 to an individual applying to become either a master plumber or a
30 journeyman plumber without examination if the individual meets

1 all of the following requirements:

2 (1) The individual applies within one year of the
3 effective date of this section.

4 (2) The individual meets the requirements of age and
5 character and pays the required fee.

6 (3) For an individual applying for a license as a master
7 plumber under this subsection, the individual submits proof
8 satisfactory to the board of any of the following:

9 (i) Five years of prior experience immediately
10 preceding application providing plumbing services within
11 this Commonwealth.

12 (ii) Five consecutive years of possession of a
13 current business license as a plumber from a municipality
14 or other agency recognized by the respective county and
15 the board where applicable.

16 (iii) Successful completion of a test administered
17 by the respective county on the plumbing code of either
18 the county of the first class or a county of the second
19 class, as appropriate to working as a licensee in those
20 specific counties.

21 (4) For an individual applying for a license as a
22 journeyman plumber under this subsection, the individual
23 submits proof satisfactory to the board of:

24 (i) Four years of prior experience immediately
25 preceding the application for licensure providing
26 plumbing services under the supervision of an individual
27 licensed as a plumber by a municipality or other agency
28 recognized by the board.

29 (ii) Successful completion of a test administered by
30 the respective county on the plumbing code of either the

1 county of the first class or a county of the second
2 class, as appropriate to working as a licensee in those
3 specific counties.

4 (g) Convictions prohibited.--The board shall not issue a
5 license to an individual who has been convicted of a felonious
6 act prohibited by the act of April 14, 1972 (P.L.233, No.64),
7 known as The Controlled Substance, Drug, Device and Cosmetic
8 Act, or convicted of a felony relating to a controlled substance
9 in a court of law of the United States or any other state,
10 territory or country unless:

11 (1) At least five years have elapsed from the date of
12 conviction.

13 (2) The individual satisfactorily demonstrates to the
14 board that he has made significant progress in personal
15 rehabilitation since the conviction such that licensure of
16 the individual should not be expected to create a substantial
17 risk of harm to the health and safety of the public or a
18 substantial risk of further criminal violations.

19 (3) The individual otherwise satisfies the
20 qualifications provided in this act. An individual's
21 statement on the application declaring the absence of a
22 conviction shall be deemed satisfactory evidence of the
23 absence of a conviction unless the board has some evidence to
24 the contrary.

25 Section 503. Continuing education.

26 (a) Regulations.--The board shall adopt, promulgate and
27 enforce rules and regulations consistent with the provisions of
28 this act establishing continuing education to be met by
29 individuals licensed as master plumbers and journeyman plumbers.
30 Regulations shall include any fees necessary for the board to

1 carry out its responsibilities under this section. The board may
2 waive all or part of the continuing education requirement for a
3 master plumber or a journeyman plumber who shows evidence
4 satisfactory to the board that the individual was unable to
5 complete the requirement due to illness, emergency, military
6 service or other hardship. All courses, materials, locations and
7 instructors shall be approved by the board. No credit shall be
8 given for a course in office management or practice building.

9 (b) Requirement.--Beginning with the licensure period
10 designated by regulation, an individual applying for renewal of
11 a license as a master plumber or a journeyman plumber shall be
12 required to obtain ten hours of continuing education during the
13 two calendar years immediately preceding the application for
14 renewal.

15 Section 504. Plumbing contractors in other states.

16 (a) Reciprocity established.--Subject to subsections (b) and
17 (c), the board may issue a license without examination to an
18 individual who is licensed as a master plumber or journeyman
19 plumber in any other state, territory or possession of the
20 United States if all of the following requirements are met:

21 (1) The individual meets the requirements as to
22 character and age.

23 (2) The individual pays the required fee.

24 (3) The individual demonstrates to the satisfaction of
25 the board that the individual meets the experience
26 requirement for master plumbers and journeyman plumbers, as
27 appropriate.

28 (4) The individual provides evidence satisfactory to the
29 board that the individual has passed an examination in
30 another jurisdiction demonstrating knowledge of a plumbing

1 code.

2 (b) Requirement.--For an individual to be eligible to apply
3 for a license as a master plumber or a journeyman plumber under
4 subsection (a), the other state, territory or possession of the
5 United States must provide an opportunity for reciprocal
6 licensure which is substantially similar to the opportunity
7 provided by the Commonwealth under this section.

8 (c) Counties of the first or second class.--An individual
9 applying for a license as a master plumber or journeyman plumber
10 under subsection (a) who provides or will provide plumbing
11 services in either a county of the first class or a county of
12 the second class must pass an examination administered by the
13 respective county on the plumbing code of either the county of
14 the first class or the county of the second class, as
15 appropriate.

16 Section 505. Duration of license.

17 (a) Duration of license.--A license issued under this act
18 shall be on a biennial basis. The biennial expiration date shall
19 be established by the board. Application for renewal of a
20 license shall biennially be forwarded to an individual holding a
21 current license prior to the expiration date of the current
22 biennium. For individuals applying for licensure as an
23 apprentice plumber, the application form must indicate whether
24 registration as an apprentice under the act of July 14, 1961
25 (P.L.604, No.304), known as The Apprenticeship and Training Act,
26 has expired or otherwise lapsed before the biennial renewal
27 cycle will expire.

28 (b) Inactive status.--An individual licensed under this act
29 may request an application for inactive status. The application
30 form may be completed and returned to the board. Upon receipt of

1 an application, the individual shall be maintained on inactive
2 status without fee and shall be entitled to apply for a
3 licensure renewal at any time. An individual who requests the
4 board to activate the license of the individual and who has been
5 on inactive status shall, prior to receiving an active license,
6 satisfy the requirements of the board's regulations regarding
7 continuing education and remit the required fee. In the case of
8 an apprentice plumber who is placed on inactive status under
9 section 502(e), the apprentice plumber shall provide evidence to
10 the board of renewal of registration before the board may
11 activate the license. The board shall promulgate regulations to
12 carry into effect the provisions of this subsection.

13 Section 506. Reporting of multiple licensure.

14 A licensee who is also licensed to perform plumbing services
15 in any other state, territory or possession of the United States
16 shall report this information to the board on the biennial
17 registration application. Any disciplinary action taken in
18 another state, territory or possession of the United States
19 shall be reported to the board on the biennial registration
20 application or within 90 days of final disposition, whichever is
21 sooner. Multiple licensure shall be noted by the board on the
22 individual's record, and such state, territory or possession
23 shall be notified by the board of any disciplinary action taken
24 against the licensee in this Commonwealth.

25 CHAPTER 7

26 ADMINISTRATION AND ENFORCEMENT

27 Section 701. Fees, fines and civil penalties.

28 (a) Fees.--All fees required under this act shall be fixed
29 by the board by regulation and shall be subject to the act of
30 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review

1 Act. If the revenues raised by the fees, fines and civil
2 penalties imposed under this act are not sufficient to meet
3 expenditures over a two-year period, the board shall increase
4 those fees by regulation so that projected revenues will meet or
5 exceed projected expenditures.

6 (b) Fee increase.--If the department determines that the
7 fees established by the board under subsection (a) are
8 inadequate to meet the minimum enforcement efforts required by
9 this act, then the department, after consultation with the board
10 and subject to the Regulatory Review Act, shall increase the
11 fees by regulation in an amount such that adequate revenues are
12 raised to meet the required enforcement effort.

13 (c) Account.--A restricted account is created in the State
14 Treasury, which shall be known as the Plumbing Contractors
15 Licensure Account. Beginning July 1, 2009, and thereafter, all
16 moneys collected by the State Board of Plumbing Contractors
17 shall be paid into the Plumbing Contractors Licensure Account.
18 Funds in this account are hereby appropriated upon approval of
19 the Governor for payment of the costs of processing licenses and
20 renewals and for other general costs of board operations.

21 (d) Renewal fee.--The board may charge a fee, as set by the
22 board by regulation, for licensure, for renewing licensure and
23 for other administrative actions by the board as permitted by
24 this act or by regulation.

25 Section 702. Violations.

26 (a) General rule.--An individual or the responsible officers
27 or employees of a corporation, partnership, firm or other entity
28 violating a provision of this act or a regulation of the board
29 commit a misdemeanor and shall, upon conviction, be sentenced to
30 pay a fine of not more than \$1,000 or to imprisonment for not

1 more than six months for the first violation. For the second and
2 each subsequent conviction, the person shall be sentenced to pay
3 a fine of not more than \$2,000 or to imprisonment for not less
4 than six months or more than one year, or both.

5 (b) Civil penalty.--In addition to any other civil remedy or
6 criminal penalty provided for in this act, the board, by a vote
7 of the majority of the maximum number of the authorized
8 membership of the board as provided by law or by a vote of the
9 majority of the duly qualified and confirmed membership or a
10 minimum of five members, whichever is greater, may levy a civil
11 penalty of up to \$10,000 on any of the following:

12 (1) A licensee who violates a provision of this act.

13 (2) An individual who performs plumbing services in
14 violation of this act.

15 (3) An individual who holds himself out as an individual
16 authorized to perform plumbing services without being
17 properly licensed as provided in this act.

18 (4) The responsible officers or employees of a
19 corporation, partnership, firm or other entity violating a
20 provision of this act.

21 (c) Procedure.--The board shall levy the civil penalty set
22 forth in subsection (b) only after affording the accused the
23 opportunity for a hearing as provided in 2 Pa.C.S. (relating to
24 administrative law and procedure).

25 Section 703. Refusal, suspension or revocation of license.

26 (a) General rule.--The board may refuse to issue, suspend or
27 revoke a license in a case where the board finds:

28 (1) The licensee is or has been negligent or incompetent
29 in the performance of plumbing services.

30 (2) The licensee is or has been unable to perform

1 plumbing services with reasonable skill and safety by reason
2 of mental or physical illness or condition or physiological
3 or psychological dependence upon alcohol, hallucinogenic or
4 narcotic drugs or other drugs which tend to impair judgment
5 or coordination, so long as such dependence shall continue.
6 In enforcing this paragraph, the board shall, upon probable
7 cause, have authority to compel a licensee to submit to a
8 mental or physical examination as designated by it. After
9 notice, hearing, adjudication and appeal, failure of a
10 licensee to submit to such examination when directed shall
11 constitute an admission of the allegations unless failure is
12 due to circumstances beyond the licensee's control,
13 consequent upon which a default and final order may be
14 entered without the taking of testimony or presentation of
15 evidence. A licensee affected under this paragraph shall at
16 reasonable intervals be afforded the opportunity to
17 demonstrate that he can resume competent, safe and skillful
18 performance of plumbing services.

19 (3) The licensee has violated any of the provisions of
20 this act or a regulation of the board.

21 (4) The licensee has committed fraud or deceit in:

22 (i) the performance of plumbing services; or

23 (ii) securing licensure.

24 (5) The board shall not issue a license to an individual
25 who has been convicted of a felonious act prohibited by the
26 act of April 14, 1972 (P.L.233, No.64), known as The
27 Controlled Substance, Drug, Device and Cosmetic Act, or
28 convicted of a felony relating to a controlled substance in a
29 court of law of the United States or any other state,
30 territory or country unless:

1 (i) At least five years have elapsed from the date
2 of conviction.

3 (ii) The individual satisfactorily demonstrates to
4 the board that the individual has made significant
5 progress in personal rehabilitation since the conviction
6 such that licensure of the individual should not be
7 expected to create a substantial risk of harm to the
8 health and safety of the public or a substantial risk of
9 further criminal violations.

10 (iii) The individual otherwise satisfies the
11 qualifications provided in this act. An individual's
12 statement on the application declaring the absence of a
13 conviction shall be deemed satisfactory evidence of the
14 absence of a conviction unless the board has some
15 evidence to the contrary.

16 (6) The licensee has had the licensee's license
17 suspended or revoked or has received other disciplinary
18 action by the proper licensing authority in another state,
19 territory or possession of the United States or country.

20 (7) (Reserved).

21 (8) With respect to a master plumber, the master plumber
22 failed to properly direct and supervise a journeyman plumber
23 or apprentice plumber or failed to properly inspect plumbing
24 services. This paragraph includes failure to ensure
25 compliance with safety standards and applicable plumbing
26 codes.

27 (9) (Reserved).

28 (10) (Reserved).

29 (11) The licensee falsely advertised or made misleading,
30 deceptive, untrue or fraudulent material representations

1 regarding licensure or in the performance of plumbing
2 services.

3 (12) Unless waived by the board in accordance with
4 section 503, the licensee failed to satisfy the continuing
5 education requirements of this act.

6 (b) Acts authorized.--When the board finds that the license
7 of an individual may be refused, revoked or suspended under
8 subsection (a), the board may:

9 (1) Deny the application for a license.

10 (2) Administer a public reprimand.

11 (3) Revoke, suspend, limit or otherwise restrict a
12 license.

13 (4) Suspend enforcement of its finding and place a
14 licensee on probation with the right to vacate the
15 probationary order for noncompliance.

16 (5) Restore or reissue, in its discretion, a suspended
17 license and impose any disciplinary or corrective measure
18 which it might originally have imposed.

19 Section 704. Suspensions and revocations.

20 A suspension or revocation shall be made only in accordance
21 with the regulations of the board and only by majority vote of
22 the members of the board after a full and fair hearing. An
23 action of the board shall be taken subject to the right of
24 notice, hearing and adjudication, and the right of appeal, in
25 accordance with the provisions of 2 Pa.C.S. (relating to
26 administrative law and procedure). The board, by majority action
27 and in accordance with its regulations, may reissue a license
28 which has been suspended. If a license has been revoked, the
29 board shall reissue a license only in accordance with section
30 706.

1 Section 705. Temporary and automatic suspensions.

2 (a) General rule.--A license issued under this act may be
3 temporarily suspended under circumstances determined by the
4 board to be an immediate and clear danger to public health or
5 safety or property. The board shall issue an order to that
6 effect without a hearing, but upon due notice, to the licensee
7 concerned at the licensee's last known address, which shall
8 include a written statement of all allegations against the
9 licensee. The provisions of section 704 shall not apply to
10 temporary suspension. The board shall commence formal action to
11 suspend, revoke or restrict the license of the individual as
12 otherwise provided for in this act. All actions shall be taken
13 promptly and without delay. Within 30 days following the
14 issuance of an order temporarily suspending a license, the board
15 shall conduct or cause to be conducted a preliminary hearing to
16 determine that there is a prima facie case supporting the
17 suspension. The individual whose license has been temporarily
18 suspended may be present at the preliminary hearing and may be
19 represented by counsel, cross-examine witnesses, inspect
20 physical evidence, call witnesses, offer evidence and testimony
21 and make a record of the proceedings. If it is determined that
22 there is not a prima facie case, the suspended license shall be
23 immediately restored. The temporary suspension shall remain in
24 effect until vacated by the board, but in no event longer than
25 180 days.

26 (b) Commitment of licensee.--A license issued under this act
27 shall automatically be suspended upon the legal commitment of a
28 licensee to an institution because of mental incompetency from
29 any cause upon filing with the board a certified copy of such
30 commitment, conviction of a felony under the act of April 14,

1 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
2 Device and Cosmetic Act, or conviction of an offense under the
3 laws of another jurisdiction, which, if committed in
4 Pennsylvania, would be a felony under The Controlled Substance,
5 Drug, Device and Cosmetic Act. Automatic suspension under this
6 subsection shall not be stayed pending an appeal of a
7 conviction. Restoration of the license shall be made as provided
8 in the case of revocation or suspension of a license.

9 Section 706. Reinstatement of license.

10 Unless ordered to do so by the Commonwealth Court or an
11 appeal therefrom, the board shall not reinstate the license of
12 an individual which has been revoked. An individual whose
13 license has been revoked may reapply for a license, after a
14 period of at least five years, but must meet all of the
15 licensing requirements of this act.

16 Section 707. Surrender of suspended or revoked license.

17 The board shall require an individual whose license has been
18 suspended or revoked to return the license in such manner as the
19 board directs. Failure to do so, and upon conviction thereof,
20 shall be a misdemeanor of the third degree.

21 Section 708. Injunction.

22 Whenever, in the judgment of the board, a person has engaged
23 in an act or practice which constitutes or will constitute a
24 violation of this act, the board or its agents may make
25 application to the appropriate court for an order enjoining such
26 act or practice. Upon a showing by the board that the person has
27 engaged or is about to engage in such act or practice, an
28 injunction, restraining order or such order, as may be
29 appropriate, may be granted by the court. The remedy by
30 injunction is in addition to any other civil or criminal

1 penalty.

2 Section 709. Subpoenas and oaths.

3 (a) Authority granted.--The board shall have the authority
4 to issue subpoenas, upon application of an attorney responsible
5 for representing the Commonwealth in disciplinary matters before
6 the board, for the purpose of investigating alleged violations
7 of the act or regulation of the board. The board shall have the
8 power to subpoena witnesses, to administer oaths, to examine
9 witnesses and to take such testimony or compel the production of
10 such books, records, papers and documents as it may deem
11 necessary or proper in and pertinent to any proceeding,
12 investigation or hearing held or had by it. The board is
13 authorized to apply to Commonwealth Court to enforce its
14 subpoenas. The court may impose limitations in the scope of the
15 subpoena as are necessary to prevent unnecessary intrusion into
16 client confidential information.

17 (b) Disciplinary matters.--An attorney responsible for
18 representing the Commonwealth in disciplinary matters before the
19 board shall notify the board immediately upon receiving
20 notification of an alleged violation of this act or a regulation
21 of the board. The board shall maintain current record of all
22 reported alleged violations and periodically review the records
23 for the purpose of determining that each alleged violation has
24 been resolved in a timely manner.

25 CHAPTER 21

26 MISCELLANEOUS PROVISIONS

27 Section 2101. Municipalities.

28 (a) Municipal licensed not required.--Licensure under this
29 act shall be acceptable to a municipality in this Commonwealth
30 as proof of competence to perform plumbing services, and no

1 municipality may require an individual licensed under this act
2 to obtain an additional license to perform plumbing services.

3 (b) Certain powers preserved.--Nothing in this act shall be
4 construed to prevent a municipality from doing any of the
5 following:

6 (1) Inspecting plumbing services or regulating the
7 manner in which plumbing services are performed in compliance
8 with the current Commonwealth plumbing code or applicable
9 municipal plumbing code.

10 (2) Levying lawful taxes and fees.

11 (3) Requiring the purchase of a business privilege
12 license that is unrelated to demonstrating competence in the
13 performance of plumbing services.

14 (4) Denying or revoking local permits for failure to
15 comply with ordinances.

16 Section 2102. Appropriation.

17 The sum of \$85,000, or as much thereof as may be necessary,
18 is hereby appropriated to the Department of Labor and Industry
19 for the payment of costs associated with processing licenses and
20 renewing licenses, for the operation of the board and for other
21 costs associated with this act. The appropriation shall be
22 repaid by the department within three years of the beginning of
23 issuance of licenses by the board.

24 Section 2103. Regulations.

25 Within 18 months of the effective date of this section, the
26 board shall begin to promulgate regulations to carry out this
27 act.

28 Section 2104. Effective date.

29 This act shall take effect as follows:

30 (1) Section 501 shall take effect in one year.

1 (2) This section shall take effect immediately.

2 (3) The remainder of this act shall take effect in 60

3 days.