

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 800 Session of 2021

INTRODUCED BY KANE, FONTANA, MUTH, BREWSTER, SANTARSIERO,
COMITTA AND CAPPELLETTI, JULY 20, 2021

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JULY 20, 2021

AN ACT

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

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

20 CHAPTER 1

21 PRELIMINARY PROVISIONS

22 Section 101. Short title.

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

25 Section 102. Definitions.

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

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

1 known as The Apprenticeship and Training Act, and who is
2 licensed by the board as an individual whose principal
3 occupation is learning and assisting in the performance of
4 plumbing services.

5 "Board." The State Board of Plumbing Contractors established
6 under section 301(a).

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

9 "Department." The Department of State of the Commonwealth.

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

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

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

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

1 building within the property line and to the final connection
2 with an approved supply system. The term also includes the
3 installation, maintenance, extension, erection, repair or
4 alteration of piping, plumbing fixtures and plumbing apparatus
5 used for storm piping and facilities and building sewers, liquid
6 waste or sewage.

7 CHAPTER 3

8 STATE BOARD OF PLUMBING CONTRACTORS

9 Section 301. State Board of Plumbing Contractors.

10 (a) Establishment.--The State Board of Plumbing Contractors
11 is established in the department.

12 (b) Composition.--The board shall consist of:

13 (1) The Secretary of State or a designee.

14 (2) Two public members with no plumbing industry
15 affiliation.

16 (3) Six professional members who shall have been
17 actively engaged in providing plumbing services in this
18 Commonwealth for at least 10 years immediately preceding
19 appointment, including:

20 (i) Two professional members who reside in or
21 represent an entity legally based in a county of the
22 first class.

23 (ii) Two professional members who reside in or
24 represent an entity legally based in a county of the
25 second class.

26 (iii) Two professional members who reside in or
27 represent an entity legally based in any county of the
28 Commonwealth excluding counties of the first and second
29 class.

30 (iv) Three professional members who are subject to

1 collective bargaining agreements.

2 (v) Three professional members who may not be
3 subject to collective bargaining agreements.

4 (vi) Except as provided in Chapter 5, professional
5 members must be licensed under this act as master
6 plumbers in a jurisdiction of the Commonwealth that
7 provides testing of master plumbers satisfactory to the
8 board.

9 (c) Initial meeting.--The board shall meet within 30 days
10 after the appointment of its first members and shall set up
11 operating procedures and develop application forms for
12 licensure. It shall be the responsibility of the board to
13 circulate the forms and educate the public regarding the
14 requirements of this act and the provision of plumbing services
15 in this Commonwealth.

16 (d) Appointments and term of membership.--Professional and
17 public members shall be appointed by the Governor with the
18 advice and consent of the Senate. Professional and public
19 members shall be citizens of the United States and residents of
20 this Commonwealth. Except as provided in subsection (e),
21 professional and public members shall serve a term of four years
22 or until a successor has been appointed and qualified. If a
23 member dies, resigns or is otherwise disqualified during the
24 term of office, a successor shall be appointed in the same way
25 and with the same qualifications and shall hold office for the
26 remainder of the unexpired term. A professional or public member
27 may not be eligible to hold more than three consecutive terms.

28 (e) Initial appointment.--For professional and public
29 members initially appointed to the board under this act, the
30 term of office shall be as follows:

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

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

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

4 (f) Quorum.--A majority of the members of the board shall
5 constitute a quorum. A member may not be counted as part of a
6 quorum or vote on an issue unless the member is physically in
7 attendance at the meeting. Virtual meeting may be conducted as
8 deemed necessary by the board. Only current board members
9 maintaining the requirements for appointment shall be entitled
10 to a vote.

11 (g) Chairperson.--The board shall select annually a
12 chairperson from among its members.

13 (h) Expenses.--With the exception of the Secretary of State,
14 a member of the board shall receive \$100 per diem when attending
15 to the work of the board. A member shall also receive the amount
16 of reasonable travel, hotel and other necessary expenses
17 incurred in the performance of the member's duties in accordance
18 with Commonwealth regulations.

19 (i) Forfeiture.--A professional or public member who fails
20 to attend three consecutive meetings shall forfeit the member's
21 seat unless the Secretary of State, on written request from the
22 member, finds that the member should be excused from a meeting
23 because of illness or the death of a family member.

24 (j) Frequency of meetings.--The board shall meet at least
25 six times a year in the City of Harrisburg or an alternate
26 location approved by the Secretary of State that may be
27 suggested at the majority consensus of the board. Additional
28 meetings may be scheduled if deemed necessary to conduct the
29 business of the board.

30 Section 302. Powers and duties of board.

1 The board shall have the following powers and duties:

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

4 (2) To issue, renew, reinstate, decline to renew,
5 suspend and revoke licenses under this act.

6 (3) To administer and enforce the provisions of this
7 act.

8 (4) To approve professional testing organizations to
9 administer tests to qualified applicants for licensure under
10 this act. Written, oral or practical examinations shall be
11 prepared and administered by a qualified and approved
12 professional testing organization. The examinations shall be
13 approved by the board then administered by a qualifying and
14 approved professional testing organization approved by the
15 board.

16 (5) To investigate applications for licensure and to
17 determine the eligibility of an individual applying for
18 licensure.

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

27 (7) To keep minutes and records of all the board's
28 proceedings.

29 (8) To keep and maintain a registry of individuals
30 licensed by the board. The board shall provide access to the

1 registry to the public, including making the registry
2 available on a publicly accessible Internet website. The
3 registry shall contain the home improvement contractor
4 registration number required by the act of October 17, 2008
5 (P.L.1645, No.132), known as the Home Improvement Consumer
6 Protection Act, and provide access information for the
7 website containing registration information if the contractor
8 is required to be registered as a residential home
9 improvement contractor.

10 (9) To submit annually to the department an estimate of
11 financial requirements of the board for the board's
12 administrative, legal and other expenses.

13 (10) To submit annually a report to the Consumer
14 Protection and Professional Licensure Committee of the Senate
15 and the Professional Licensure Committee of the House of
16 Representatives. The report shall include a description of
17 the types of complaints received, the status of cases, the
18 action that has been taken and the length of time from
19 initial complaint to final resolution.

20 (11) To submit annually to the Appropriations Committee
21 of the Senate and the Appropriations Committee of the House
22 of Representatives, 30 days after the Governor has submitted
23 a budget to the General Assembly, a copy of the budget
24 request for the upcoming fiscal year that the board
25 previously submitted to the department.

26 CHAPTER 5

27 LICENSURE

28 Section 501. Licensure.

29 (a) Prohibition.--An individual may not provide plumbing
30 services, offer himself or herself for employment as an

1 individual who may provide plumbing services or hold himself or
2 herself out as an individual authorized to perform plumbing
3 services unless licensed by the board.

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

6 (1) Employ an individual to provide plumbing services or
7 direct an individual to provide plumbing services unless the
8 individual is licensed under this act.

9 (2) Use the term "licensed plumbing contractor" in
10 connection with the individual, corporation, partnership,
11 firm or other entity unless at least one full-time employee
12 or the owner of the entity is licensed as a master plumber
13 under this act. If the employment of the full-time employee
14 holding the master plumber license for the entity is
15 terminated or otherwise interrupted for any reason, a
16 qualified replacement must be named within 15 business days
17 and the entity must notify the board of the change.

18 (c) Title.--An individual who holds a license as a master
19 plumber shall have the right to use the title "licensed plumbing
20 contractor" and the abbreviation "L.P.C." No other individual
21 may use the title "licensed plumbing contractor" or the
22 abbreviation "L.P.C." Except as provided in subsection (d), no
23 individual may hold himself or herself out as being authorized
24 to provide plumbing services.

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

26 (1) A journeyman plumber or apprentice plumber may hold
27 himself or herself out as being authorized to perform
28 plumbing services if the journeyman plumber or apprentice
29 plumber is employed by and works under the direction and
30 supervision of a licensed plumbing contractor or master

1 plumber.

2 (2) An individual who is not in the business of
3 providing plumbing services and who performs minor repairs in
4 a residence may not be required to obtain a license under
5 this act. The individuals shall not be permitted to use the
6 title of "licensed plumbing contractor," master plumber or
7 the abbreviation "L.P.C."

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

19 Section 502. Qualifications.

20 (a) Master plumber.--To be eligible to apply for licensure
21 as a master plumber, an applicant must:

22 (1) Be at least 18 years of age.

23 (2) Submit proof satisfactory to the board that the
24 applicant has provided plumbing services for not less than
25 five years prior to application. Of the minimum five years'
26 experience required, not less than five years shall have been
27 as a master plumber or not less than one year shall have been
28 as a journeyman plumber and not less than four years shall
29 have been as an apprentice plumber, all in a jurisdiction or
30 municipality approved by the board. In lieu of the minimum

1 five years' experience under this paragraph, an applicant may
2 submit proof satisfactory to the board that the individual
3 has sufficient training and experience to sit for the
4 examination. The proof shall be either accepted or rejected
5 by the board on a case-by-case basis and the board's
6 decisions shall be considered final.

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

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

9 (5) Provide a current certificate or insurance verifying
10 workers compensation coverage and of liability insurance in
11 the amount of \$500,000.

12 (6) In addition to fulfilling the other requirements
13 under this subsection, an individual applying for licensure
14 as a master plumber who will provide plumbing services in
15 either a first class county or a second class county shall
16 pass an examination on the plumbing code of the first class
17 county or the second class county, as applicable.

18 (b) Journeyman plumber.--To be eligible for licensure as a
19 journeyman plumber, an applicant must:

20 (1) Be at least 18 years of age.

21 (2) Submit proof satisfactory to the board that the
22 applicant has:

23 (i) provided plumbing services for not less than
24 four years as a journeyman or an apprentice plumber in a
25 jurisdiction or municipality approved by the board or has
26 served not less than 8,000 hours as an apprentice
27 plumber;

28 (ii) satisfactorily completed not less than 576
29 hours of related technical education at an accredited
30 school approved by the board and the department; or

1 (iii) submitted proof, in lieu of the four years'
2 experience as required under subparagraph (i), of the
3 applicant's experience satisfactory to the board that the
4 individual has sufficient training and experience to sit
5 for the examination. This proof shall be either accepted
6 or rejected by the board on a case-by-case basis and the
7 board's decision regarding this proof shall be considered
8 final.

9 (3) Provide a certificate of completion of
10 apprenticeship from the department.

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

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

13 (c) Additional requirement.--In addition to the other
14 requirements of this section, an individual applying for
15 licensure as a master plumber or a journeyman plumber who
16 provides or will provide plumbing services in either a county of
17 the first class or a county of the second class must pass an
18 examination on the plumbing code of the respective county.

19 (d) Apprentice plumber.--To be eligible for licensure as an
20 apprentice plumber, an applicant must:

21 (1) Be at least 16 years of age.

22 (2) Register with the department as specified under the
23 act of July 14, 1961 (P.L.604, No.304), known as The
24 Apprenticeship and Training Act. The apprentice plumber shall
25 submit proof of current registration to the board.

26 (3) Pay the fee set by the board.

27 (4) If providing plumbing services in either a county of
28 the first class or a county of the second class, pass an
29 examination on the plumbing code of the first class county or
30 the second class county, as applicable.

1 (e) Renewal of license of apprentice plumber.--In the case
2 of an apprentice plumber applying for renewal of a license when
3 registration under section 502(d) has expired or otherwise
4 lapsed, the apprentice plumber shall submit evidence
5 satisfactory to the board that the apprentice plumber has
6 renewed the registration. Failure to notify the board within 30
7 days that the registration has expired or otherwise lapsed shall
8 subject the apprentice plumber to disciplinary action. In the
9 case of an apprentice plumber whose registration has expired or
10 otherwise lapsed, the license shall be immediately placed on
11 inactive status by the board. The board shall promulgate
12 regulations in order to carry out the provisions of this
13 subsection, including regulations specifying the evidence
14 necessary to demonstrate renewal of the registration.

15 (f) Waiver of examination.--Notwithstanding the provisions
16 of section 502(a) and (b), the board shall grant a license to an
17 individual applying to become either a master plumber or a
18 journeyman plumber without examination if the individual meets
19 all of the following requirements:

20 (1) The individual applies within 18 months of the
21 effective date of this section.

22 (2) The individual meets the requirements of age and
23 pays the required fee.

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

27 (i) five years of prior experience immediately
28 preceding application providing plumbing services in a
29 jurisdiction or municipality approved by the board;

30 (ii) five consecutive years of possession of a

1 current business license as a plumber or an entity
2 providing plumbing services from a jurisdiction or
3 municipality approved by the board; or

4 (iii) successful completion of a test administered
5 by a jurisdiction, municipality or an agency approved by
6 the board or the respective county of the first or second
7 class, as appropriate to working as a licensed plumbing
8 contractor or journeyman plumber in those specific
9 counties or cities.

10 (f.1) Proof.--Proof submitted to the board under this
11 section shall be accepted or rejected by the board on a case-by-
12 case basis and the board's decision regarding this proof shall
13 be considered final.

14 (g) Convictions prohibited.--The board may not issue a
15 license to an individual who has been convicted of a felony
16 prohibited by the act of April 14, 1972 (P.L.233, No.64), known
17 as The Controlled Substance, Drug, Device and Cosmetic Act, in a
18 court of law of the United States or any other state, territory
19 or country unless any of the following have occurred:

20 (1) at least five years have elapsed from the date of
21 conviction;

22 (2) the individual satisfactorily demonstrates to the
23 board that the individual has made significant progress in
24 personal rehabilitation since the conviction to ensure that
25 licensure of the individual should not be expected to create
26 a substantial risk of harm to the health and safety of the
27 public or a substantial risk of further criminal violations;
28 or

29 (3) the individual otherwise satisfies the
30 qualifications under this act. An individual's statement on

1 the application declaring the absence of a conviction shall
2 be deemed satisfactory evidence of the absence of a
3 conviction unless the board has evidence to the contrary.

4 Section 503. Continuing education.

5 (a) Regulations.--The board shall adopt, promulgate and
6 enforce rules and regulations consistent with the provisions of
7 this act establishing continuing education to be met by
8 individuals licensed as master plumbers and journeyman plumbers.
9 Regulations shall include any fees necessary for the board to
10 carry out the board's responsibilities under this section. The
11 board may waive all or part of the continuing education
12 requirement for a master plumber or a journeyman plumber who
13 shows evidence satisfactory to the board that the individual was
14 unable to complete the requirement due to illness, emergency,
15 military service or other hardship. The waiver will be accepted
16 or rejected by the board on a case-by-case basis and the board's
17 decision regarding the proof shall be considered final. All
18 courses, materials, locations and instructors shall be approved
19 by the board.

20 (b) Requirement.--Beginning with the licensure period
21 designated by regulation, an individual applying for renewal of
22 a license as a master plumber shall be required to obtain 12
23 hours of continuing education during the two calendar years
24 immediately preceding the application for renewal.

25 (c) Requirements.--Beginning with the licensure period
26 designated by regulation, an individual applying for renewal of
27 a license as a journeyman plumber shall be required to obtain
28 eight hours of continuing education during the two calendar
29 years immediately preceding the application for renewal.

30 Section 504. Plumbing contractors in other states.

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

7 (b) Reciprocity established.--Subject to subsection (a), the
8 board may issue a license without examination to an individual
9 who is licensed as a master plumber or journeyman plumber in
10 another state, territory or possession of the United States if
11 all of the following requirements are met:

12 (1) The individual meets the age requirements.

13 (2) The individual pays the required fee.

14 (3) The individual demonstrates to the satisfaction of
15 the board that the individual meets the experience
16 requirement for master plumbers and journeyman plumbers, as
17 appropriate.

18 (4) The individual provides evidence satisfactory to the
19 board that the individual has passed an examination in
20 another jurisdiction demonstrating knowledge of a plumbing
21 code.

22 (c) Counties of the first or second class.--An individual
23 applying for a license as a master plumber or journeyman plumber
24 under this section who provides or will provide plumbing
25 services in either a county of the first class or a county of
26 the second class must pass an examination administered by the
27 respective county on the plumbing code of the respective county.
28 Section 505. Duration of license.

29 (a) Biennial license.--A license issued under this act shall
30 be on a biennial basis. The biennial expiration date shall be

1 established by the board. Application for renewal of a license
2 shall be forwarded to an individual holding a current license
3 prior to the expiration date of the current two-year period. For
4 individuals applying for licensure as an apprentice plumber, the
5 application form must indicate whether registration as an
6 apprentice under the act of July 14, 1961 (P.L.604, No.304),
7 known as The Apprenticeship and Training Act, has expired or
8 otherwise lapsed before the biennial renewal cycle will expire.

9 (b) Inactive status.--An individual licensed under this act
10 may request an application for inactive status. The application
11 form may be completed by the individual and returned to the
12 board. Upon receipt of an application, the individual shall be
13 maintained on inactive status without fee and shall be entitled
14 to apply for a licensure renewal at any time. An individual who
15 requests the board to activate the license of the individual who
16 has been on inactive status shall, prior to receiving an active
17 license, satisfy the board's requirements regarding continuing
18 education and remit the required fee. In the case of an
19 apprentice plumber who is placed on inactive status under
20 section 502(e), the apprentice plumber shall provide evidence to
21 the board of renewal of registration before the board may
22 activate the license. The board shall promulgate regulations to
23 carry into effect the provisions of this subsection.

24 Section 506. Reporting of multiple licensure.

25 A licensee who is also licensed to perform plumbing services
26 in another state, municipality, territory or possession of the
27 United States shall report this information to the board on the
28 biennial registration application. Any disciplinary action taken
29 in another state, municipality, territory, possession of the
30 United States or country shall be reported to the board on the

1 biennial registration application or within 90 days of final
2 disposition, whichever is sooner. Multiple licensure shall be
3 noted by the board on the individual's record, and the other
4 state, municipality, territory, possession of the United States
5 or country shall be notified by the board of disciplinary action
6 taken against the licensee in this Commonwealth.

7 Section 507. Prohibition.

8 (a) Propane.--This act does not prohibit the installation,
9 modification or replacement of propane-related systems or
10 appliances by the owner, principal or employee of a propane
11 distributor if the propane distributor is registered with the
12 department under the act of June 19, 2002 (P.L.421, No.61),
13 known as the Propane and Liquefied Petroleum Gas Act, and with
14 the Attorney General under the act of October 17, 2008
15 (P.L.1645, No.132), known as the Home Improvement Consumer
16 Protection Act.

17 (b) Registration.--Nothing in this act or section shall
18 relieve an individual, corporation, partnership, firm, licensed
19 plumbing contractor or master plumber from, if applicable under
20 the act, maintaining registration with the Attorney General
21 under the act of October 17, 2008 (P.L.1645, No.132), known as
22 the Home Improvement Consumer Protection Act.

23 CHAPTER 7

24 ADMINISTRATION AND ENFORCEMENT

25 Section 701. Fees, fines and civil penalties.

26 (a) Fees.--All fees required under this act shall be fixed
27 by the board by regulation and shall be subject to the act of
28 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review
29 Act. If the revenues raised by the fees, fines and civil
30 penalties imposed under this act are not sufficient to meet

1 expenditures over a two-year period, the board shall increase
2 those fees by regulation so that projected revenues will meet or
3 exceed projected expenditures.

4 (b) Fee increase.--If the department determines that the
5 fees established by the board under subsection (a) are
6 inadequate to meet the enforcement required by this act, the
7 department, after consultation with the board and subject to the
8 Regulatory Review Act, shall increase the fees by regulation in
9 an amount to ensure that revenues meet the required enforcement.

10 (c) Account.--A restricted account is established in the
11 General Fund that shall be known as the Plumbing Contractors
12 Licensure Account. Beginning July 1, 2022, and thereafter, all
13 money collected by the board shall be paid into the Plumbing
14 Contractors Licensure Account. Money in the account is
15 appropriated upon approval of the Governor for payment of the
16 costs of processing licenses and renewals and for other general
17 costs of board operations.

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

22 Section 702. Violations.

23 (a) Criminal penalty.--An individual or the responsible
24 officers or employees of a corporation, partnership, firm,
25 entity, licensed plumbing contractor, master plumber or other
26 entity violating a provision of this act or a regulation of the
27 board commits a misdemeanor and shall, upon conviction, be
28 sentenced to pay a fine of not more than \$1,500 or to
29 imprisonment for not more than six months for the first
30 violation. For the second and each subsequent conviction, the

1 individual shall be sentenced to pay a fine of not more than
2 \$3,000 or to imprisonment for not less than six months nor more
3 than one year, or both.

4 (b) Civil penalty.--In addition to any other civil remedy or
5 criminal penalty under this act, the board, by a vote of the
6 majority may levy a civil penalty of up to \$10,000 on any of the
7 following:

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

9 (2) An individual who performs plumbing services in
10 violation of this act without being properly licensed under
11 this act.

12 (3) The responsible officers or employees of a
13 corporation, partnership, firm, entity, licensed plumbing
14 contractor, master plumber or other entity violating a
15 provision of this act.

16 (c) Procedure.--The board shall levy the civil penalty
17 specified in subsection (b) only after affording the accused the
18 opportunity for a hearing as provided in 2 Pa.C.S. (relating to
19 administrative law and procedure).

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

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

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

25 (2) The licensee is or has been unable to perform
26 plumbing services with reasonable skill and safety by reason
27 of mental or physical illness or condition or physiological
28 or psychological dependence upon alcohol, hallucinogenic or
29 narcotic drugs or other drugs that tend to impair judgment or
30 coordination, as long as dependence shall continue. In

1 enforcing this paragraph, the board shall, upon probable
2 cause, have authority to compel a licensee to submit to a
3 mental or physical examination as designated by the board.
4 After notice, hearing, adjudication and appeal, failure of a
5 licensee to submit to the required examination when directed
6 shall constitute an admission of the allegations unless
7 failure is due to circumstances beyond the licensee's
8 control, when a default and final order may be entered
9 without the taking of testimony or presentation of evidence.
10 A licensee affected under this paragraph shall, at reasonable
11 intervals, be afforded the opportunity to demonstrate that
12 the licensee can resume competent, safe and skillful
13 performance of plumbing services.

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

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

- 17 (i) the performance of plumbing services; or
18 (ii) securing licensure.

19 (5) An applicant has been convicted of a felony
20 prohibited by the act of April 14, 1972 (P.L.233, No.64),
21 known as The Controlled Substance, Drug, Device and Cosmetic
22 Act, in a court of law of the United States or another state,
23 territory or country unless any of the following have
24 occurred:

25 (i) at least five years have elapsed from the date
26 of conviction;

27 (ii) the individual satisfactorily demonstrates to
28 the board that the individual has made significant
29 progress in personal rehabilitation since the conviction
30 so that licensure of the individual should not be

1 expected to create a substantial risk of harm to the
2 health and safety of the public or a substantial risk of
3 further criminal violations; or

4 (iii) the individual otherwise satisfies the
5 qualifications under this act. An individual's statement
6 on the application declaring the absence of a conviction
7 shall be deemed satisfactory evidence of the absence of a
8 conviction unless the board has evidence to the contrary.

9 (6) The licensee's license was suspended or revoked or
10 has received other disciplinary action by the proper
11 licensing authority in another state, territory or possession
12 of the United States or country.

13 (7) With respect to a master plumber, the master plumber
14 failed to properly direct and supervise a journeyman plumber
15 or apprentice plumber. This paragraph includes failure to
16 ensure compliance with safety standards and applicable
17 plumbing codes.

18 (8) The licensee falsely advertised or made misleading,
19 deceptive, untrue or fraudulent material representations
20 regarding licensure or the performance of plumbing services.

21 (9) Unless waived by the board in accordance with
22 section 503, the licensee failed to satisfy the continuing
23 education requirements of this act.

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

27 (1) Deny the application for a license.

28 (2) Administer a public reprimand.

29 (3) Revoke, suspend, limit or otherwise restrict a
30 license.

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

4 (5) Restore or reissue, in the board's discretion, a
5 suspended license and impose a disciplinary or corrective
6 measure that the board may have imposed.

7 Section 704. Suspensions and revocations.

8 A suspension or revocation shall be made only in accordance
9 with the regulations of the board and only by majority vote of
10 the members of the board after a full and fair hearing. An
11 action of the board shall be taken subject to the right of
12 notice, hearing and adjudication, and the right of appeal, in
13 accordance with the provisions of 2 Pa.C.S. (relating to
14 administrative law and procedure). The board, by majority action
15 and in accordance with the board's regulations, may reissue a
16 license which has been suspended. If a license has been revoked,
17 the board shall reinstate a license in accordance with section
18 706.

19 Section 705. Temporary and automatic suspensions.

20 (a) General rule.--A license issued under this act may be
21 temporarily suspended under circumstances determined by the
22 board to be an immediate and clear danger to public health or
23 safety or property. The board shall issue an order to that
24 effect without a hearing, but upon due notice to the licensee at
25 the licensee's last known address that shall include a written
26 statement of all allegations against the licensee. The
27 provisions of section 704 do not apply to temporary suspension.
28 The board shall commence formal action to suspend, revoke or
29 restrict the license of the individual under this act. All
30 actions shall be taken promptly and without delay. Within 30

1 days following the issuance of an order temporarily suspending a
2 license, the board shall conduct or cause to be conducted a
3 preliminary hearing to determine that there is a prima facie
4 case supporting the suspension. The individual whose license has
5 been temporarily suspended may be present at the preliminary
6 hearing and may be represented by counsel, cross-examine
7 witnesses, inspect physical evidence, call witnesses, offer
8 evidence and testimony and make a record of the proceedings. If
9 it is determined that there is not a prima facie case, the
10 suspended license shall be immediately restored. The temporary
11 suspension shall remain in effect until vacated by the board,
12 but in no event longer than 180 days.

13 (b) Commitment of licensee.--A license issued under this act
14 shall automatically be suspended if:

15 (1) Upon the legal commitment of a licensee to an
16 institution because of mental incompetency from any cause,
17 upon filing with the board a certified copy of the
18 commitment.

19 (2) Conviction of a felony or conviction of an offense
20 under the laws of another jurisdiction, that, if committed in
21 this Commonwealth, would be a felony.

22 (3) Automatic suspension under this subsection may not
23 be stayed pending an appeal of a conviction. Restoration of
24 the license shall be made as provided in the case of
25 revocation or suspension of a license.

26 Section 706. Reinstatement of license.

27 Unless ordered to do so by the Commonwealth Court or an
28 appeal from the Commonwealth Court, the board may not reinstate
29 the license of an individual whose license has been revoked. An
30 individual whose license has been revoked may reapply for a

1 license after a period of at least five years but must meet all
2 of the licensing requirements of this act.

3 Section 707. Surrender of suspended or revoked license.

4 The board shall require an individual whose license has been
5 suspended or revoked to return the license in a manner that the
6 board directs. Failure to do so, and upon conviction of failure
7 to return the license, shall be a misdemeanor of the third
8 degree.

9 Section 708. Injunction.

10 Whenever, in the judgment of the board, a person has engaged
11 in an act or practice that constitutes or will constitute a
12 violation of this act, the board or its agents may make
13 application to the appropriate court for an order enjoining the
14 act or practice. Based on a showing by the board that the person
15 has engaged or is about to engage in a prohibited act or
16 practice, an injunction, restraining order or other order, as
17 may be appropriate, may be granted by the court. The remedy by
18 injunction is in addition to any other civil or criminal
19 penalty.

20 Section 709. Subpoenas and oaths.

21 (a) Authority granted.--The board shall have the authority
22 to issue subpoenas, upon application of an attorney responsible
23 for representing the Commonwealth in disciplinary matters before
24 the board, for the purpose of investigating alleged violations
25 of the act or a regulation of the board. The board shall have
26 the power to subpoena witnesses, administer oaths, examine
27 witnesses and take testimony or compel the production of books,
28 records, papers and documents as the board may deem necessary or
29 proper in and pertinent to a proceeding, investigation or
30 hearing held by the board. The board is authorized to apply to

1 Commonwealth Court to enforce the board's subpoenas.
2 Commonwealth Court may impose limitations in the scope of the
3 subpoena as are necessary to prevent unnecessary intrusion into
4 client confidential information.

5 (b) Disciplinary matters.--An attorney responsible for
6 representing the Commonwealth in disciplinary matters before the
7 board shall notify the board immediately upon receiving
8 notification of an alleged violation of this act or a regulation
9 of the board. The board shall maintain current records of the
10 reported alleged violations and periodically review the records
11 for the purpose of determining that each alleged violation has
12 been resolved in a timely manner.

13 CHAPTER 9

14 MISCELLANEOUS PROVISIONS

15 Section 901. Municipalities.

16 (a) Municipal licenses not required and exceptions.--
17 Licensure under this act shall be acceptable to a municipality
18 in this Commonwealth as proof of competence to perform plumbing
19 services, and no municipality may require an individual licensed
20 under this act to obtain an additional license to perform
21 plumbing services.

22 (b) Certain powers preserved.--Nothing in this act shall be
23 construed to prevent a municipality from:

24 (1) Inspecting plumbing services or regulating the
25 manner in which plumbing services are performed in compliance
26 with the current Commonwealth plumbing code or applicable
27 municipal plumbing code.

28 (2) Levying lawful taxes and fees.

29 (3) Requiring the purchase of a business privilege
30 license that is unrelated to demonstrating competence in the

1 performance of plumbing services.

2 (4) Denying or revoking local permits for failure to
3 comply with ordinances.

4 (c) Plumbing construction standards.--Nothing in this act
5 authorizes the board or a municipality to adopt plumbing
6 construction standards except within the relevant provisions of
7 the act of November 10, 1999 (P.L.491, No.45), known as the
8 Pennsylvania Construction Code Act. Nothing in this act
9 authorizes the board or a municipality to adopt a standard or
10 regulation of propane, propane distributors or installation of
11 propane-related systems or appliances which differs or conflicts
12 with sections 15 and 16 of the act of June 19, 2002 (P.L.421,
13 No.61), known as the Propane and Liquefied Petroleum Gas Act.
14 Section 902. Appropriation.

15 The sum of \$250,000, or as much of that amount as may be
16 necessary, is hereby appropriated to the department for the
17 payment of costs associated with processing and renewing
18 licenses, for the operation of the board and for other costs
19 associated with this act. The appropriation shall be repaid by
20 the department within three years of the beginning of issuance
21 of licenses by the board.

22 Section 903. Regulations.

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

26 Section 904. Effective date.

27 This act shall take effect as follows:

28 (1) This section shall take effect immediately.

29 (2) Section 501(c) shall take effect in 30 days.

30 (3) Section 502(a)(4) and (6) shall take effect in 60

1 days.

2 (4) The remainder of this act shall take effect in 18
3 months.