

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 442 Session of 2017

INTRODUCED BY CHRISTIANA, FARRY, SANTORA, MUSTIO, DUNBAR, COX, CHARLTON, READSHAW, ZIMMERMAN, IRVIN, KORTZ, BRIGGS, McNEILL, DAVIS, BARBIN, SOLOMON, MICCARELLI AND DEAN, FEBRUARY 10, 2017

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 20, 2017

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; establishing the Plumbing
6 Contractors Licensure Account; and making an appropriation.

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

21 CHAPTER 1

22 PRELIMINARY PROVISIONS

23 Section 101. Short title.

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

26 Section 102. Definitions.

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

30 "Apprentice plumber." An individual who is registered as an

1 apprentice under the act of July 14, 1961 (P.L.604, No.304),
2 known as The Apprenticeship and Training Act, and who is
3 licensed by the State Board of Plumbing Contractors as an
4 individual whose principle occupation is learning and assisting
5 in the performance of plumbing services.

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

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

9 "Department." The Department of Labor and Industry of the
10 Commonwealth.

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

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

19 "Plumbing services." The installation, maintenance,
20 extension and alteration of all piping, fixtures, venting
21 systems, plumbing appliances and plumbing appurtenances, within
22 or adjacent to a structure, in connection with:

- 23 (1) sanitary drainage or storm drainage facilities; or
24 (2) public or private water supply systems.

25 CHAPTER 3

26 BOARD

27 Section 301. State Board of Plumbing Contractors.

28 (a) Establishment.--The State Board of Plumbing Contractors
29 is established within the department.

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

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

2 (2) Two public members.

3 (3) Six professional members. Professional members shall
4 have been actively engaged in providing plumbing services in
5 this Commonwealth for at least 10 years immediately preceding
6 appointment and shall be comprised as follows:

7 (i) Two professional members shall reside in and be
8 licensed as plumbers by a county of the first class. One
9 shall be a signatory and one shall be a nonsignatory.

10 (ii) Two professional members shall reside in and be
11 licensed as plumbers by a county of the second class. One
12 shall be a signatory and one shall be a nonsignatory.

13 (iii) Two shall reside in different counties of the
14 third class. One shall be a signatory and one shall be a
15 nonsignatory.

16 (iv) Except as set forth in subsection (f),
17 professional members must be licensed under this act as
18 master plumbers.

19 (c) Meeting.--The board shall meet within 30 days after the
20 appointment of its first members and shall set up operating
21 procedures and develop application forms for licensure. It shall
22 be the responsibility of the board to circulate the forms and
23 educate the public regarding the requirements of this act and
24 the provision of plumbing services in this Commonwealth.

25 (d) Term of membership.--Professional and public members
26 shall be appointed by the Governor with the advice and consent
27 of the Senate. Professional and public members shall be citizens
28 of the United States and residents of this Commonwealth. Except
29 as provided in subsection (e), professional and public members
30 shall serve a term of four years or until a successor has been

1 appointed and qualified but not longer than six months beyond
2 the four-year period. If a member dies or resigns or is
3 otherwise disqualified during the term of office, a successor
4 shall be appointed in the same way and with the same
5 qualifications and shall hold office for the remainder of the
6 unexpired term. A professional or public member may not hold
7 more than two consecutive terms.

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

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

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

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

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

19 (g) Quorum.--A majority of the members of the board shall
20 constitute a quorum. Except for temporary and automatic
21 suspensions under section 705, a member may not be counted as
22 part of a quorum or vote on an issue unless the member is
23 physically in attendance at the meeting.

24 (h) Chairperson.--The board shall select annually a
25 chairperson from among its members.

26 (i) Expenses.--With the exception of the Secretary of Labor
27 and Industry, a member of the board shall receive \$60 per diem
28 when attending to the work of the board. A member shall also
29 receive the amount of reasonable traveling, hotel and other
30 necessary expenses incurred in the performance of the member's

1 duties in accordance with Commonwealth regulations.

2 (j) Forfeiture.--A professional or public member who fails
3 to attend three consecutive meetings shall forfeit the member's
4 seat unless the Secretary of Labor and Industry, upon written
5 request from the member, finds that the member should be excused
6 from a meeting because of illness or the death of a family
7 member.

8 (k) Frequency of meetings.--The board shall meet at least
9 four times a year in the City of Harrisburg and at additional
10 times as may be necessary to conduct the business of the board.
11 Section 302. Powers and duties of board.

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

14 (1) To provide for and regulate, as provided for in this
15 act, the licensing of individuals engaged in providing
16 plumbing services who hold themselves out as master plumbers,
17 journeyman plumbers, apprentice plumbers or licensed plumbing
18 contractors.

19 (2) To issue, renew, reinstate, decline to renew,
20 suspend and revoke licenses as provided for in this act.

21 (3) To administer and enforce the provisions of this
22 act.

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

29 (5) To investigate applications for licensure and to
30 determine the eligibility of an individual applying for

1 licensure under this act.

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

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

11 (8) To keep and maintain a registry of individuals
12 licensed by the board. The board shall provide access to the
13 registry to the public, including making the registry
14 available on a publicly accessible Internet website. The
15 registry shall contain the home improvement contractor
16 registration number required by the act of October 17, 2008
17 (P.L.1645, No.132), known as the Home Improvement Consumer
18 Protection Act, and provide access information for the
19 website containing registration information if the contractor
20 is required to be registered as a residential home
21 improvement contractor.

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

25 (10) To submit annually a report to the Consumer
26 Protection and Professional Licensure Committee of the Senate
27 and the Professional Licensure Committee of the House of
28 Representatives. The report shall include a description of
29 the types of complaints received, the status of cases, the
30 action that has been taken and the length of time from

1 initial complaint to final resolution.

2 (11) To submit annually to the Appropriations Committee
3 of the Senate and the Appropriations Committee of the House
4 of Representatives, 15 days after the Governor has submitted
5 a budget to the General Assembly, a copy of the budget
6 request for the upcoming fiscal year that the board
7 previously submitted to the department.

8 (b) No active solicitation municipalities.--

9 (1) It shall not be the mission of the board to actively
10 solicit a municipality or other public entity to require a
11 plumbing license for those performing plumbing services
12 within their jurisdiction.

13 (2) Nothing in this subsection shall be construed to
14 prevent the board or a board member from providing
15 information to, or otherwise educating, a member of the
16 public or a municipality or other public entity about this
17 act, plumbing or plumbing licensure, nor from providing
18 advice regarding this act, plumbing or plumbing licensure.

19 CHAPTER 5

20 LICENSURE

21 Section 501. Licensure.

22 (a) Prohibition.--An individual may not hold himself out as
23 an apprentice plumber, journeyman plumber or master plumber
24 unless licensed by the board.

25 (b) Business entities.--An individual, corporation,
26 partnership, firm or other entity may not use the term "licensed
27 plumbing contractor" in connection with the entity unless at
28 least one employee or the owner of the entity is licensed as a
29 master plumber in accordance with this act.

30 (c) Title.--An individual who holds a license as a master

1 plumber or is maintained on inactive status under section 505(b)
2 shall have the right to use the title "licensed plumbing
3 contractor" and the abbreviation "L.P.C." No other individual
4 shall use the title "licensed plumbing contractor" or the
5 abbreviation "L.P.C."

6 (d) Responsibility.--A licensed plumbing contractor shall
7 assume full responsibility to ensure conformance with safety
8 standards and applicable plumbing codes, including plumbing
9 codes for first and second class counties as provided under the
10 act of November 10, 1999 (P.L.491, No.45), known as the
11 Pennsylvania Construction Code Act.

12 (e) Additional licensure requirements.--This act does not
13 prohibit first or second class counties from imposing plumbing
14 licensure requirements in addition to the provisions of this
15 act.

16 Section 502. Qualifications.

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

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

21 (2) Submit proof satisfactory to the board that the
22 applicant has provided plumbing services for not less than
23 five years prior to application. Of the minimum five years'
24 experience required, not less than five years shall have been
25 as a master plumber or not less than one year shall have been
26 as a journeyman plumber and not less than four years shall
27 have been as an apprentice plumber. In lieu of the minimum
28 five years' experience provided in this paragraph, an
29 applicant may submit proof satisfactory to the board that the
30 individual has sufficient training and experience to sit for

1 the examination.

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

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

4 (5) Provide a current certificate of liability insurance
5 in the amount of \$500,000. If the applicant is an employee of
6 a master plumber or a licensed plumbing contractor who
7 maintains the required level of liability insurance, the
8 applicant is not required to have individual liability
9 insurance coverage.

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

13 (1) Be of good moral character.

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

15 (3) Submit proof satisfactory to the board that the
16 applicant has:

17 (i) provided plumbing services for not less than
18 four years as a journeyman or an apprentice plumber or
19 has served not less than 8,000 hours as an apprentice
20 plumber;

21 (ii) has satisfactorily completed not less than 576
22 hours of related technical education at an accredited
23 school; or

24 (iii) has satisfactorily met the Federal standards
25 of apprenticeship as defined in 29 C.F.R. § 29.5
26 (relating to standards of apprenticeship).

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

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

29 (c) Additional requirement.--In addition to passing the
30 examination set forth in subsection (a) (4) or (b) (5), an

1 individual applying for licensure as a master plumber or a
2 journeyman plumber who provides or will provide plumbing
3 services in either a first class county or a second class county
4 must pass an examination on the plumbing code of the first class
5 county or the second class county, as appropriate.

6 (d) Apprentice plumber.--To be eligible for licensure as an
7 apprentice plumber, an applicant shall fulfill the following
8 requirements:

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

10 (2) Register with the department as set forth in the act
11 of July 14, 1961 (P.L.604, No.304), known as The
12 Apprenticeship and Training Act. The apprentice plumber shall
13 submit proof of current registration to the board.

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

30 (f) Waiver of examination.--Notwithstanding the provisions

1 of subsections (a) (4) and (b) (5), the board shall grant a
2 license to an individual applying to become either a master
3 plumber or a journeyman plumber without examination if the
4 individual meets all of the following requirements:

5 (1) The individual applies within 24 months of the
6 effective date of this section.

7 (2) The individual meets the requirements of age and
8 pays the required fee.

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

12 (i) Five years of prior experience immediately
13 preceding application providing plumbing services within
14 this Commonwealth.

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

19 (iii) Successful completion of a test administered
20 by the respective county of the first or second class or
21 a county or city of the third class, as appropriate to
22 working as a licensee in those specific counties or
23 cities.

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

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

1 recognized by the board.

2 (ii) Successful completion of a test administered by
3 the respective county of the first or second class or a
4 county or city of the third class, as appropriate to
5 working as a licensee in those specific counties or
6 cities.

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

15 (1) At least five years have elapsed from the date of
16 conviction.

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

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

29 Section 503. Continuing education.

30 (a) Regulations.--The board shall adopt, promulgate and

1 enforce rules and regulations consistent with the provisions of
2 this act establishing continuing education to be met by
3 individuals licensed as master plumbers and journeyman plumbers.
4 Regulations shall include any fees necessary for the board to
5 carry out its responsibilities under this section. The board may
6 waive all or part of the continuing education requirement for a
7 master plumber or a journeyman plumber who shows evidence
8 satisfactory to the board that the individual was unable to
9 complete the requirement due to illness, emergency, military
10 service or other hardship. All courses, materials, locations and
11 instructors shall be approved by the board. A credit may not be
12 given for a course in office management or practice building.

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

19 Section 504. Plumbing contractors in other states.

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

25 (1) The individual meets the requirements as to
26 character and age.

27 (2) The individual pays the required fee.

28 (3) The individual demonstrates to the satisfaction of
29 the board that the individual meets the experience
30 requirement for master plumbers and journeyman plumbers, as

1 appropriate.

2 (4) The individual provides evidence satisfactory to the
3 board that the individual has passed an examination in
4 another jurisdiction demonstrating knowledge of a plumbing
5 code.

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

12 (c) Counties of the first or second class.--An individual
13 applying for a license as a master plumber or journeyman plumber
14 under subsection (a) who provides or will provide plumbing
15 services in either a county of the first class or a county of
16 the second class shall further be subject to a licensure
17 requirement of the respective county.

18 Section 505. Duration of license.

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

30 (b) Inactive status.--An individual licensed under this act

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

15 Section 506. Reporting of multiple licensure.

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

28 Section 507. Prohibition.

29 This act shall not prohibit the installation, modification or
30 replacement of propane-related systems or appliances by the

1 owner, principal or employee of a propane distributor if the
2 propane distributor is registered with the department under the
3 act of June 19, 2002 (P.L.421, No.61), known as the Propane and
4 Liquefied Petroleum Gas Act, and with the Attorney General under
5 the act of October 17, 2008 (P.L.1645, No.132), known as the
6 Home Improvement Consumer Protection Act.

7 CHAPTER 7

8 ADMINISTRATION AND ENFORCEMENT

9 Section 701. Fees, fines and civil penalties.

10 (a) Fees.--All fees required under this act shall be fixed
11 by the board by regulation and shall be subject to the act of
12 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review
13 Act. If the revenues raised by the fees, fines and civil
14 penalties imposed under this act are not sufficient to meet
15 expenditures over a two-year period, the board shall increase
16 those fees by regulation so that projected revenues will meet or
17 exceed projected expenditures.

18 (b) Fee increase.--If the department determines that the
19 fees established by the board under subsection (a) are
20 inadequate to meet the minimum enforcement efforts required by
21 this act, then the department, after consultation with the board
22 and subject to the Regulatory Review Act, shall increase the
23 fees by regulation in an amount so that adequate revenues are
24 raised to meet the required enforcement effort.

25 (c) Account.--A restricted account is established in the
26 General Fund that shall be known as the Plumbing Contractors
27 Licensure Account. Beginning July 1, 2017, and thereafter, all
28 money collected by the board shall be paid into the Plumbing
29 Contractors Licensure Account. Funds in this account are hereby
30 appropriated upon approval of the Governor for payment of the

1 costs of processing licenses and renewals and for other general
2 costs of board operations.

3 (d) Renewal fee.--The board may charge a fee, as set by the
4 board by regulation, for licensure, for renewing licensure and
5 for other administrative actions by the board as permitted by
6 this act or by regulation.

7 Section 702. Violations.

8 (a) Criminal penalty.--An individual or the responsible
9 officers or employees of a corporation, partnership, firm or
10 other entity violating a provision of this act or a regulation
11 of the board commits a misdemeanor and shall, upon conviction,
12 be sentenced to pay a fine of not more than \$1,000 or to
13 imprisonment for not more than six months for the first
14 violation. For the second and each subsequent conviction, the
15 person shall be sentenced to pay a fine of not more than \$2,000
16 or to imprisonment for not less than six months nor more than
17 one year, or both.

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

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

26 (2) An individual or firm that identifies as an
27 apprentice plumber, journeyman plumber, master plumber or
28 licensed plumbing contractor without being properly licensed
29 as provided in this act.

30 (3) The responsible officers or employees of a

1 corporation, partnership, firm or other entity violating a
2 provision of this act.

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

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

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

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

12 (2) The licensee is or has been unable to perform
13 plumbing services with reasonable skill and safety by reason
14 of mental or physical illness or condition or physiological
15 or psychological dependence upon alcohol, hallucinogenic or
16 narcotic drugs or other drugs that tend to impair judgment or
17 coordination, as long as dependence shall continue. In
18 enforcing this paragraph, the board shall, upon probable
19 cause, have authority to compel a licensee to submit to a
20 mental or physical examination as designated by the board.
21 After notice, hearing, adjudication and appeal, failure of a
22 licensee to submit to the required examination when directed
23 shall constitute an admission of the allegations unless
24 failure is due to circumstances beyond the licensee's
25 control, when a default and final order may be entered
26 without the taking of testimony or presentation of evidence.
27 A licensee affected under this paragraph shall, at reasonable
28 intervals, be afforded the opportunity to demonstrate that he
29 can resume competent, safe and skillful performance of
30 plumbing services.

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

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

4 (i) the performance of plumbing services; or

5 (ii) securing licensure.

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

13 (i) At least five years have elapsed from the date
14 of conviction.

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

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

28 (6) The licensee has had the licensee's license
29 suspended or revoked or has received other disciplinary
30 action by the proper licensing authority in another state,

1 territory or possession of the United States or country.

2 (7) With respect to a master plumber, the master plumber
3 failed to properly direct and supervise a journeyman plumber
4 or apprentice plumber. This paragraph includes failure to
5 ensure compliance with safety standards and applicable
6 plumbing codes.

7 (8) The licensee falsely advertised or made misleading,
8 deceptive, untrue or fraudulent material representations
9 regarding licensure or in the performance of plumbing
10 services.

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

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

17 (1) Deny the application for a license.

18 (2) Administer a public reprimand.

19 (3) Revoke, suspend, limit or otherwise restrict a
20 license.

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

24 (5) Restore or reissue, in its discretion, a suspended
25 license and impose a disciplinary or corrective measure that
26 it might originally have imposed.

27 Section 704. Suspensions and revocations.

28 A suspension or revocation shall be made only in accordance
29 with the regulations of the board and only by majority vote of
30 the members of the board after a full and fair hearing. An

1 action of the board shall be taken subject to the right of
2 notice, hearing and adjudication, and the right of appeal, in
3 accordance with the provisions of 2 Pa.C.S. (relating to
4 administrative law and procedure). The board, by majority action
5 and in accordance with its regulations, may reissue a license
6 which has been suspended. If a license has been revoked, the
7 board shall reissue a license only in accordance with section
8 706.

9 Section 705. Temporary and automatic suspensions.

10 (a) General rule.--A license issued under this act may be
11 temporarily suspended under circumstances determined by the
12 board to be an immediate and clear danger to public health or
13 safety or property. The board shall issue an order to that
14 effect without a hearing, but upon due notice, to the licensee
15 concerned at the licensee's last known address, that shall
16 include a written statement of all allegations against the
17 licensee. The provisions of section 704 shall not apply to
18 temporary suspension. The board shall commence formal action to
19 suspend, revoke or restrict the license of the individual as
20 otherwise provided for in this act. All actions shall be taken
21 promptly and without delay. Within 30 days following the
22 issuance of an order temporarily suspending a license, the board
23 shall conduct or cause to be conducted a preliminary hearing to
24 determine that there is a prima facie case supporting the
25 suspension. The individual whose license has been temporarily
26 suspended may be present at the preliminary hearing and may be
27 represented by counsel, cross-examine witnesses, inspect
28 physical evidence, call witnesses, offer evidence and testimony
29 and make a record of the proceedings. If it is determined that
30 there is not a prima facie case, the suspended license shall be

1 immediately restored. The temporary suspension shall remain in
2 effect until vacated by the board, but in no event longer than
3 180 days.

4 (b) Commitment of licensee.--A license issued under this act
5 shall automatically be suspended upon the legal commitment of a
6 licensee to an institution because of mental incompetency from
7 any cause upon filing with the board a certified copy of the
8 commitment, conviction of a felony under the act of April 14,
9 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
10 Device and Cosmetic Act, or conviction of an offense under the
11 laws of another jurisdiction, that, if committed in this
12 Commonwealth, would be a felony under The Controlled Substance,
13 Drug, Device and Cosmetic Act. Automatic suspension under this
14 subsection shall not be stayed pending an appeal of a
15 conviction. Restoration of the license shall be made as provided
16 in the case of revocation or suspension of a license.
17 Section 706. Reinstatement of license.

18 Unless ordered to do so by the Commonwealth Court or an
19 appeal from the Commonwealth Court, the board shall not
20 reinstate the license of an individual whose license has been
21 revoked. An individual whose license has been revoked may
22 reapply for a license after a period of at least five years but
23 must meet all of the licensing requirements of this act.

24 Section 707. Surrender of suspended or revoked license.

25 The board shall require an individual whose license has been
26 suspended or revoked to return the license in a manner that the
27 board directs. Failure to do so, and upon conviction of failure
28 to return the license, shall be a misdemeanor of the third
29 degree.

30 Section 708. Injunction.

1 Whenever, in the judgment of the board, a person has engaged
2 in an act or practice that constitutes or will constitute a
3 violation of this act, the board or its agents may make
4 application to the appropriate court for an order enjoining the
5 act or practice. Based on a showing by the board that the person
6 has engaged or is about to engage in a prohibited act or
7 practice, an injunction, restraining order or other order, as
8 may be appropriate, may be granted by the court. The remedy by
9 injunction is in addition to any other civil or criminal
10 penalty.

11 Section 709. Subpoenas and oaths.

12 (a) Authority granted.--The board shall have the authority
13 to issue subpoenas, upon application of an attorney responsible
14 for representing the Commonwealth in disciplinary matters before
15 the board, for the purpose of investigating alleged violations
16 of the act or a regulation of the board. The board shall have
17 the power to subpoena witnesses, administer oaths, examine
18 witnesses and take testimony or compel the production of books,
19 records, papers and documents as it may deem necessary or proper
20 in and pertinent to a proceeding, investigation or hearing held
21 by it. The board is authorized to apply to Commonwealth Court to
22 enforce its subpoenas. The Commonwealth Court may impose
23 limitations in the scope of the subpoena as are necessary to
24 prevent unnecessary intrusion into client confidential
25 information.

26 (b) Disciplinary matters.--An attorney responsible for
27 representing the Commonwealth in disciplinary matters before the
28 board shall notify the board immediately upon receiving
29 notification of an alleged violation of this act or a regulation
30 of the board. The board shall maintain current records of the

1 reported alleged violations and periodically review the records
2 for the purpose of determining that each alleged violation has
3 been resolved in a timely manner.

4 CHAPTER 9

5 MISCELLANEOUS PROVISIONS

6 Section 901. Municipalities.

7 (a) Municipal licenses not required and exceptions.--
8 Licensure under this act shall be acceptable to a municipality
9 or public entity in this Commonwealth, except as to a county of
10 the first or second class, as proof of competence to perform
11 plumbing services, and no municipality, other than a county of
12 the first or second class, may require an individual licensed
13 under this act to obtain an additional license to perform
14 plumbing services.

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

18 (1) Inspecting plumbing services or regulating the
19 manner in which plumbing services are performed in compliance
20 with the current Commonwealth plumbing code or applicable
21 municipal plumbing code.

22 (2) Levying lawful taxes and fees.

23 (3) Requiring the purchase of a business privilege
24 license that is unrelated to demonstrating competence in the
25 performance of plumbing services.

26 (4) Denying or revoking local permits for failure to
27 comply with ordinances.

28 (c) Plumbing construction standards.--Nothing in this act
29 authorizes the board or a municipality to adopt plumbing
30 construction standards except within the relevant provisions of

1 the act of November 10, 1999 (P.L.491, No.45), known as the
2 Pennsylvania Construction Code Act. Nothing in this act
3 authorizes the board or a municipality to adopt a standard or
4 regulation of propane, propane distributors or installation of
5 propane-related systems or appliances which differs or conflicts
6 with sections 15 and 16 of the act of June 19, 2002 (P.L.421,
7 No.61), known as the Propane and Liquefied Petroleum Gas Act.
8 Section 902. Appropriation.

9 The sum of \$85,000, or as much of that amount as may be
10 necessary, is hereby appropriated to the department for the
11 payment of costs associated with processing and renewing
12 licenses, for the operation of the board and for other costs
13 associated with this act. The appropriation shall be repaid by
14 the department within three years of the beginning of issuance
15 of licenses by the board.

16 Section 903. Regulations.

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

20 Section 904. Effective date.

21 This act shall take effect as follows:

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

23 (2) This section shall take effect immediately.

24 (3) The remainder of this act shall take effect in 60
25 days.