
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 660 Session of
2007

INTRODUCED BY ERICKSON, FONTANA, GREENLEAF AND BOSCOLA,
MARCH 29, 2007

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 29, 2007

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; 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 hereby established the State
9 Board of Plumbing Contractors within the department.

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 pursuant to this act, the term
15 of 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 pursuant to
21 this act need not be licensed at the time of appointment but, at
22 the 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. The board, with the approval of the

1 commissioner, shall select and fix the compensation of an
2 executive secretary who shall be responsible for the day-to-day
3 operation of the board and administration of the board's
4 activities.

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

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

16 (k) Training seminars.--A public member who fails to attend
17 two consecutive statutorily mandated training seminars in
18 accordance with section 813(e) of the act of April 9, 1929
19 (P.L.177, No.175), known as The Administrative Code of 1929,
20 shall forfeit the member's seat unless the commissioner, upon
21 written request from the public member, finds that the public
22 member should be excused from a meeting because of illness or
23 the death of a family member.

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

28 Section 302. Powers and duties of board.

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

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

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

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

7 (4) To contract with a professional testing organization
8 to administer tests to qualified applicants for licensure as
9 provided in this act. Written, oral or practical examinations
10 shall be prepared and administered by a qualified and
11 approved professional testing organization in the manner
12 prescribed for written examinations by section 812.1 of the
13 act of April 9, 1929 (P.L.177, No.175), known as The
14 Administrative Code of 1929.

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

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

28 (7) To keep minutes and records of all its transactions
29 and proceedings.

30 (8) To keep and maintain a registry of individuals

1 licensed by the board. The board shall provide access to the
2 registry to the public, including making the registry
3 available via electronic means.

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

7 (10) To submit annually a report to the Consumer
8 Protection and Professional Licensure Committee of the Senate
9 and the Professional Licensure Committee of the House of
10 Representatives. The report shall include a description of
11 the types of complaints received, status of cases, the action
12 which has been taken and the length of time from initial
13 complaint to final resolution.

14 (11) To submit annually to the Appropriations Committee
15 of the Senate and the Appropriations Committee of the House
16 of Representatives, 15 days after the Governor has submitted
17 a budget to the General Assembly, a copy of the budget
18 request for the upcoming fiscal year which the board
19 previously submitted to the department.

20 CHAPTER 5

21 LICENSURE

22 Section 501. Licensure.

23 (a) General rule.--An individual may not provide plumbing
24 services, offer himself for employment as an individual who may
25 provide plumbing services or hold himself out as an individual
26 authorized to perform plumbing services unless licensed by the
27 board.

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

30 (1) Employ an individual to provide plumbing services or

1 direct an individual to provide plumbing services unless the
2 individual is licensed under this act.

3 (2) Use the term "licensed plumbing contractor" in
4 connection with the entity unless at least one employee or
5 the owner of the entity is licensed as a master plumber in
6 accordance with this act.

7 (c) Title.--An individual who holds a license as a master
8 plumber or is maintained on inactive status pursuant to section
9 505(b) shall have the right to use the title "licensed plumbing
10 contractor" and the abbreviation "L.P.C." No other individual
11 shall use the title "licensed plumbing contractor" or the
12 abbreviation "L.P.C." Except as provided in subsection (d), no
13 individual shall hold himself out as being authorized to provide
14 plumbing services.

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

16 (1) A journeyman plumber or an apprentice plumber may
17 hold himself out as being authorized to perform plumbing
18 services if the journeyman plumber or the apprentice plumber
19 work under the direction and supervision of a master plumber.

20 (2) An individual who performs minor repairs shall not
21 be required to obtain a license under this act.

22 (e) Responsibility.--A licensed plumbing contractor shall
23 assume full responsibility for inspection of plumbing services
24 irrespective of whether the plumbing services were performed by
25 the licensed plumbing contractor or by a journeyman plumber or
26 an apprentice plumber working under the direction and
27 supervision of the licensed plumbing contractor. In addition,
28 the licensed plumbing contractor shall direct and supervise
29 plumbing services performed by a journeyman plumber or an
30 apprentice plumber. This subsection includes the responsibility

1 of the licensed plumbing contractor to ensure conformance with
2 safety standards and applicable plumbing codes, including
3 plumbing codes for first class counties and second class
4 counties.

5 Section 502. Qualifications.

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

9 (1) Be of good moral character.

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

11 (3) Submit proof satisfactory to the board that the
12 applicant has provided plumbing services for not less than
13 five years prior to application. Of the five years'
14 experience, one shall have been as a journeyman plumber and
15 four shall have been as an apprentice plumber. In lieu of the
16 five years' experience provided in this paragraph, an
17 applicant may submit proof satisfactory to the board, as
18 established by regulation of the board, that the individual
19 has sufficient training and experience to sit for the
20 examination. In no case shall an individual sit for the
21 examination without meeting one of the requirements of this
22 paragraph.

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

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

25 (6) Provide satisfactory proof to the board of the
26 acquisition of professional liability insurance in the amount
27 set by the board.

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

1 (1) Be of good moral character.

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

3 (3) Submit proof satisfactory to the board that the
4 applicant has provided plumbing services for not less than
5 four years as an apprentice plumber or has served 8,000 hours
6 as an apprentice plumber and has satisfactorily completed at
7 least 576 hours of related technical education at an
8 accredited school. In no case shall an individual be allowed
9 to sit for the examination without meeting one of the
10 requirements of this paragraph.

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 passing the
14 examination set forth in subsection (a)(5) or (b)(5), an
15 individual applying for licensure as a master plumber or a
16 journeyman plumber who provides or will provide plumbing
17 services in either a first class county or a second class county
18 must pass an examination provided by the board on the plumbing
19 code of the first class county or the second class county, as
20 appropriate.

21 (d) Apprentice plumber.--To be eligible for licensure as an
22 apprentice plumber, an applicant shall fulfill the following
23 requirements:

24 (1) Be of good moral character.

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

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

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

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

17 (f) Waiver of examination.--Notwithstanding the provisions
18 of subsections (a)(5) and (b)(5), the board may grant a license
19 to an individual applying to become either a master plumber or a
20 journeyman plumber without examination if:

21 (1) The individual applies within 180 days of the
22 effective date of this section.

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

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

28 (i) Five years of prior experience providing
29 plumbing services within this Commonwealth.

30 (ii) Possession of a current business license as a

1 plumber from a municipality or other agency recognized by
2 the board.

3 (iii) Passage of an examination, acceptable to the
4 board, which tests knowledge of a plumbing code.

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

8 (i) Four years of prior experience providing
9 plumbing services under the direction of an individual
10 licensed as a plumber by a municipality or other agency
11 recognized by the board.

12 (ii) Passage of an examination, acceptable to the
13 board, which tests knowledge of a plumbing code.

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

21 (1) At least ten years have elapsed from the date of
22 conviction.

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

29 (3) The individual otherwise satisfies the
30 qualifications provided in this act. An individual's

statement on the application declaring the absence of a conviction shall be deemed satisfactory evidence of the absence of a conviction unless the board has some evidence to the contrary.

Section 503. Continuing education.

(a) Regulations.--The board shall adopt, promulgate and enforce rules and regulations consistent with the provisions of this act establishing continuing education to be met by individuals licensed as master plumbers and journeyman plumbers. Regulations shall include any fees necessary for the board to carry out its responsibilities under this section. The board may waive all or part of the continuing education requirement for a master plumber or a journeyman plumber who shows evidence satisfactory to the board that the individual was unable to complete the requirement due to illness, emergency, military service or other hardship. All courses, materials, locations and instructors shall be approved by the board. No credit shall be given for a course in office management or practice building.

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

Section 504. Plumbing contractors in other states.

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

1 (1) The individual meets the requirements as to
2 character, age and absence of convictions.

3 (2) The individual pays the required fee.

4 (3) The individual demonstrates to the satisfaction of
5 the board that the individual either meets or exceeds the
6 Commonwealth experience requirement for master plumbers and
7 journeyman plumbers, as appropriate.

8 (4) The individual provides evidence satisfactory to the
9 board that the individual has passed an examination
10 demonstrating knowledge of a plumbing code.

11 (b) Requirement.--For an individual to be eligible to apply
12 for a license as a master plumber or a journeyman plumber under
13 subsection (a), the other state, territory or possession of the
14 United States must provide an opportunity for reciprocal
15 licensure which is substantially similar to the opportunity
16 provided by the Commonwealth under this section.

17 (c) Counties of the first or second class.--An individual
18 applying for a license as a master plumber or journeyman plumber
19 under subsection (a) who provides or will provide plumbing
20 services in either a county of the first class or a county of
21 the second class must pass an examination provided by the board
22 on the plumbing code of either the county of the first class or
23 the county of the second class, as appropriate.

24 Section 505. Duration of license.

25 (a) Duration of license.--A license issued pursuant to this
26 act shall be on a biennial basis. The biennial expiration date
27 shall be established by regulation of the board. Application for
28 renewal of a license shall biennially be forwarded to an
29 individual holding a current license prior to the expiration
30 date of the current biennium. For individuals applying for

1 licensure as an apprentice plumber, the application form must
2 indicate whether registration as an apprentice under the act of
3 July 14, 1961 (P.L.604, No.304), known as The Apprenticeship and
4 Training Act, has expired or otherwise lapsed before the
5 biennial renewal cycle will expire.

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

21 Section 506. Reporting of multiple licensure.

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

possession or country shall be notified by the board of any disciplinary action taken against the licensee in this Commonwealth.

CHAPTER 7

ADMINISTRATION AND ENFORCEMENT

Section 701. Fees, fines and civil penalties.

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

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

(c) Account.--All fees, fines and civil penalties imposed in accordance with this act shall be paid to the department.

(d) Renewal fee.--The board may charge a fee, as set by the board by regulation, for licensure, for renewing licensure and for other services of the board as permitted by this act or by regulation.

Section 702. Violations.

(a) General rule.--An individual or the responsible officers or employees of a corporation, partnership, firm or other entity

1 violating a provision of this act or a regulation of the board
2 commits a misdemeanor and shall, upon conviction, be sentenced
3 to pay a fine of not more than \$1,000 or to imprisonment for not
4 more than six months for the first violation. For the second and
5 each subsequent conviction, the person shall be sentenced to pay
6 a fine of not more than \$2,000 or to imprisonment for not less
7 than six months or more than one year, or both.

8 (b) Civil penalty.--In addition to any other civil remedy or
9 criminal penalty provided for in this act, the board, by a vote
10 of the majority of the maximum number of the authorized
11 membership of the board as provided by law or by a vote of the
12 majority of the duly qualified and confirmed membership or a
13 minimum of five members, whichever is greater, may levy a civil
14 penalty of up to \$1,000 on any of the following:

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

16 (2) An individual who performs plumbing services in
17 violation of this act.

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

21 (4) The responsible officers or employees of a
22 corporation, partnership, firm or other entity violating a
23 provision of this act.

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

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

29 (a) General rule.--The board may refuse, suspend or revoke a
30 license in a case where the board finds:

1 (1) The licensee is negligent or incompetent in the
2 performance of plumbing services.

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

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

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

25 (i) the performance of plumbing services; or

26 (ii) securing licensure.

27 (5) The licensee has been convicted of a felony or a
28 crime of moral turpitude or received probation without
29 verdict, disposition in lieu of trial or an Accelerated
30 Rehabilitative Disposition in the disposition of felony

1 charges, in the courts of this Commonwealth, the United
2 States or any other state, territory or possession of the
3 United States or country.

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

8 (7) With respect to the performance of plumbing
9 services, the licensee has acted in such a manner as to
10 present an immediate and clear danger to health or safety or
11 property.

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

18 (9) The licensee possessed, used, acquired or
19 distributed a controlled substance.

20 (10) The licensee has been guilty of unprofessional
21 conduct. Unprofessional conduct shall include departure from
22 or failing to conform to operating practices or professional
23 standards embraced by the professional plumbing community in
24 this Commonwealth, including those recognized by a
25 municipality, the Federal Government or the Commonwealth. In
26 a proceeding based on this paragraph, actual injury to a
27 person or damage to property need not be established.

28 (11) The licensee falsely advertised or made misleading,
29 deceptive, untrue or fraudulent material representations
30 regarding licensure or in the performance of plumbing

1 services.

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

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

8 (1) Deny the application for a license.

9 (2) Administer a public reprimand.

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

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

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

18 Section 704. Suspensions and revocations.

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

30 Section 705. Temporary and automatic suspensions.

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

25 (b) Commitment of licensee.--A license issued under this act
26 shall automatically be suspended upon the legal commitment of a
27 licensee to an institution because of mental incompetency from
28 any cause upon filing with the board a certified copy of such
29 commitment, conviction of a felony under the act of April 14,
30 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,

1 Device and Cosmetic Act, or conviction of an offense under the
2 laws of another jurisdiction, which, if committed in
3 Pennsylvania, would be a felony under The Controlled Substance,
4 Drug, Device and Cosmetic Act. Automatic suspension under this
5 subsection shall not be stayed pending an appeal of a
6 conviction. Restoration of the license shall be made as provided
7 in the case of revocation or suspension of a license.

8 Section 706. Reinstatement of license.

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

15 Section 707. Surrender of suspended or revoked license.

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

20 Section 708. Injunction.

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

1 Section 709. Subpoenas and oaths.

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

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

24 CHAPTER 21

25 MISCELLANEOUS PROVISIONS

26 Section 2101. Municipalities.

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

1 to obtain an additional license to perform plumbing services.

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

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

9 (2) Levying lawful taxes and fees.

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

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

15 Section 2102. Appropriation.

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

23 Section 2103. Regulations.

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

26 Section 2104. Severability.

27 The provisions of this act are severable. If any provision of
28 this act or its application to any person or circumstance is
29 held invalid, the invalidity shall not affect other provisions
30 or applications of this act which can be given effect without

1 the invalid provision or application.

2 Section 2105. Effective date.

3 This act shall take effect as follows:

4 (1) Section 501 shall take effect in 180 days.

5 (2) This section shall take effect immediately.

6 (3) The remainder of this act shall take effect in 60
7 days.