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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1499 Session of 2013

INTRODUCED BY CHRISTIANA, GODSHALL, DAVIS, GROVE, MUSTIO, GALLOWAY, WATSON, DUNBAR AND FARRY, JUNE 10, 2013

REFERRED TO COMMITEE ON LABOR AND INDUSTRY, JUNE 10, 2013

AN ACT

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

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

CHAPTER 1

PRELIMINARY PROVISIONS

Section 101. Short title.

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

Section 102. Definitions.

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

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

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

"Board." The State Board of Plumbing Contractors.

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

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

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

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

CHAPTER 3

BOARD

Section 301. State Board of Plumbing Contractors.

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

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

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

(2) Two public members.

(3) Six professional members. Professional members shall have been actively engaged in providing plumbing services in this Commonwealth for at least ten years immediately preceding appointment. Two professional members shall reside in and be licensed as a plumber by a county of the first class. One professional member shall reside in and be

licensed as a plumber by a county of the second class and the other shall reside in a county of the third class. Three professional members shall be subject to collective bargaining agreements. Three professional members shall not be subject to collective bargaining agreements. Except as set forth in subsection (f), professional members shall be licensed under this act as master plumbers.

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

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

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

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

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

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

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

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

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

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

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

(k) (Reserved).

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

Section 302. Powers and duties of board.

The board shall have the following powers and duties:

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

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

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

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

(5) To investigate applications for licensure and to determine the eligibility of an individual applying for licensure under this act.

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

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

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

registry shall contain the home improvement contractor registration number required by the act of October 17, 2008 (P.L.1645, No.132), known as the Home Improvement Consumer Protection Act, and provide access information for the website containing registration information if the contractor is required to be registered as a residential home improvement contractor.

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

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

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

CHAPTER 5

LICENSURE

Section 501. Licensure.

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

(b) Business entities.--An individual, corporation,

partnership, firm or other entity shall not use the term "licensed plumbing contractor" in connection with the entity unless at least one employee or the owner of the entity is licensed as a master plumber in accordance with this act.

(c) Title.--An individual who holds a license as a master plumber or is maintained on inactive status pursuant to section 505(b) shall have the right to use the title "licensed plumbing contractor" and the abbreviation "L.P.C." No other individual shall use the title "licensed plumbing contractor" or the abbreviation "L.P.C."

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

(e) Additional licensure requirements.--Nothing in this act shall prohibit first or second class counties from imposing plumbing licensure requirements in addition to the provisions of this act.

Section 502. Qualifications.

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

(1) Be at least 18 years of age.

(2) Submit proof satisfactory to the board that the applicant has provided plumbing services for not less than five years prior to application. Of the five years' experience, five years shall have been as a master plumber or one year shall have been as a journeyman plumber and four

years shall have been as an apprentice plumber. In lieu of the five years' experience provided in this paragraph, an applicant may submit proof of the applicant's experience satisfactory to the board that the individual has sufficient training and experience to sit for the examination.

(3) Pay the fee set by the board.

(4) Pass the examination provided by the board.

(5) Provide a current certificate of liability insurance in the amount of $500,000.

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

(1) Be of good moral character.

(2) Be at least 18 years of age.

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

(4) Pay the fee set by the board.

(5) Pass the examination provided by the board.

(c) Additional requirement.--In addition to passing the examination set forth in subsection (a)(4) or (b)(5), an individual applying for licensure as a master plumber or a journeyman plumber who provides or will provide plumbing services in either a first class county or a second class county must pass an examination on the plumbing code of the first class county or the second class county, as appropriate.

(d) Apprentice plumber.--To be eligible for licensure as an

apprentice plumber, an applicant shall fulfill the following requirements:

(1) Be at least 16 years of age.

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

(3) Pay the fee set by the board.

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

(f) Waiver of examination.--Notwithstanding the provisions of subsections (a)(4) and (b)(5), the board shall grant a license to an individual applying to become either a master plumber or a journeyman plumber without examination if the individual meets all of the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

(3) The individual otherwise satisfies the 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) The individual meets the requirements as to character and age.

(2) The individual pays the required fee.

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

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

(b) Requirement.--For an individual to be eligible to apply for a license as a master plumber or a journeyman plumber under

subsection (a), the other state, territory or possession of the United States must provide an opportunity for reciprocal licensure which is substantially similar to the opportunity provided by the Commonwealth under this section.

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

Section 505. Duration of license.

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

(b) Inactive status.--An individual licensed under this act may request an application for inactive status. The application form may be completed and returned to the board. Upon receipt of an application, the individual shall be maintained on inactive status without fee and shall be entitled to apply for a licensure renewal at any time. An individual who requests the board to activate the license of the individual and who has been on inactive status shall, prior to receiving an active license,

satisfy the requirements of the board's regulations regarding continuing education and remit the required fee. In the case of an apprentice plumber who is placed on inactive status pursuant to section 502(e), the apprentice plumber shall provide evidence to the board of renewal of registration before the board may activate the license. The board shall promulgate regulations to carry into effect the provisions of this subsection.

Section 506. Reporting of multiple licensure.

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

Section 507. Prohibition.

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

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.--A restricted account is hereby created in the State Treasury which shall be known as the Plumbing Contractors Licensure Account. Beginning July 1, 2013, and thereafter, all moneys collected by the State Board of Plumbing Contractors shall be paid into the Plumbing Contractors Licensure Account. Funds in this account are hereby appropriated upon approval of the Governor for payment of the costs of processing licenses and renewals and for other general costs of board operations.

(d) Renewal fee.--The board may charge a fee, as set by the board by regulation, for licensure, for renewing licensure and for other administrative actions by 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 violating a provision of this act or a regulation of the board commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than $1,000 or to imprisonment for not more than six months for the first violation. For the second and each subsequent conviction, the person shall be sentenced to pay a fine of not more than $2,000 or to imprisonment for not less than six months or more than one year, or both.

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

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

(2) An individual or firm that holds himself or itself out as an apprentice plumber, journeyman plumber, master plumber or licensed plumbing contractor without being properly licensed as provided in this act.

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

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

Section 703. Refusal, suspension or revocation of license.

(a) General rule.--The board may refuse to issue, suspend or

revoke a license in a case where the board finds:

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

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

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

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

(i) the performance of plumbing services; or

(ii) securing licensure.

(5) The board shall not issue a license to an individual who has been convicted of a felonious act prohibited by the act of April 14, 1972 (P.L.233, No.64), known as The

Controlled Substance, Drug, Device and Cosmetic Act, or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory or country unless:

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

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

(iii) The individual otherwise satisfies the 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.

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

(7) (Reserved).

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

(9) (Reserved).

(10) (Reserved).

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

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

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

(1) Deny the application for a license.

(2) Administer a public reprimand.

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

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

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

Section 704. Suspensions and revocations.

A suspension or revocation shall be made only in accordance with the regulations of the board and only by majority vote of the members of the board after a full and fair hearing. An action of the board shall be taken subject to the right of notice, hearing and adjudication, and the right of appeal, in accordance with the provisions of 2 Pa.C.S. (relating to administrative law and procedure). The board, by majority action and in accordance with its regulations, may reissue a license

which has been suspended. If a license has been revoked, the board shall reissue a license only in accordance with section 706.

Section 705. Temporary and automatic suspensions.

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

(b) Commitment of licensee.--A license issued under this act shall automatically be suspended upon the legal commitment of a

licensee to an institution because of mental incompetency from any cause upon filing with the board a certified copy of such commitment, conviction of a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or conviction of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act. Automatic suspension under this subsection shall not be stayed pending an appeal of a conviction. Restoration of the license shall be made as provided in the case of revocation or suspension of a license.

Section 706. Reinstatement of license.

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

Section 707. Surrender of suspended or revoked license.

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

Section 708. Injunction.

Whenever, in the judgment of the board, a person has engaged in an act or practice which constitutes or will constitute a violation of this act, the board or its agents may make application to the appropriate court for an order enjoining such act or practice. Upon a showing by the board that the person has engaged or is about to engage in such act or practice, an

injunction, restraining order or such order, as may be appropriate, may be granted by the court. The remedy by injunction is in addition to any other civil or criminal penalty.

Section 709. Subpoenas and oaths.

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

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

CHAPTER 21

MISCELLANEOUS PROVISIONS

Section 2101. Municipalities.

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

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

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

(2) Levying lawful taxes and fees.

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

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

(c) Plumbing construction standards.--Nothing in this act authorizes the board or a municipality to adopt plumbing construction standards except within the relevant provisions of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act. Nothing in this act authorizes the board or a municipality to adopt a standard or regulation of propane, propane distributors or installation of propane-related systems or appliances which differs or conflicts with sections 15 and 16 of the act of June 19, 2002 (P.L.421,

No.61), known as the Propane and Liquefied Petroleum Gas Act.

Section 2102. Appropriation.

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

Section 2103. Regulations.

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

Section 2104. Effective date.

This act shall take effect as follows:

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

(2) This section shall take effect immediately.

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