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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 390 Session of  
2023

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INTRODUCED BY GALLOWAY, CIRESI, KINSEY, SANCHEZ, MADDEN, ZABEL,  
BURGOS, NEILSON, McNEILL, D. WILLIAMS, JOZWIAK, PROBST,  
T. DAVIS, HOGAN, TOMLINSON, MARCELL, MUNROE, ZIMMERMAN AND  
KHAN, MARCH 14, 2023

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 14, 2023

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AN ACT

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

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

20 CHAPTER 1

21 PRELIMINARY PROVISIONS

22 Section 101. Short title.

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

25 Section 102. Definitions.

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

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

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

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

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

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

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

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

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

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

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

7 CHAPTER 3

8 STATE BOARD OF PLUMBING CONTRACTORS

9 Section 301. State Board of Plumbing Contractors.

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

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

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

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

16 (3) Professional members as follows:

17 (i) The following professional members, who must  
18 have been actively engaged in providing plumbing services  
19 in this Commonwealth for at least 10 years immediately  
20 preceding appointment and, except as provided in Chapter  
21 5 (relating to licensure), must be licensed under this  
22 act as master plumbers in a jurisdiction of the  
23 Commonwealth that provides testing of master plumbers  
24 satisfactory to the board:

25 (A) Two professional members who reside in or  
26 represent an entity legally based in a county of the  
27 first class.

28 (B) Two professional members who reside in or  
29 represent an entity legally based in a county of the  
30 second class.

1 (C) Two professional members who reside in or  
2 represent an entity legally based in any county of  
3 the Commonwealth excluding counties of the first and  
4 second class.

5 (ii) The professional members under subparagraph (i)  
6 shall be subject to the following:

7 (A) Three members subject to collective  
8 bargaining agreements.

9 (B) Three members not subject to collective  
10 bargaining agreements.

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

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

30 (e) Initial appointment.--For professional and public

1 members initially appointed to the board under this act, the  
2 term of office shall be as follows:

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

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

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

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

13 (g) Chairperson.--The board shall select annually a  
14 chairperson from among its members. The sitting chairperson may  
15 be reselected at the pleasure of the board.

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

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

27 (j) Frequency of meetings.--The board shall meet at least  
28 six times a year in the City of Harrisburg or an alternate  
29 location approved by the Secretary of State that may be  
30 suggested at the majority consensus of the board. Additional

1 meetings may be scheduled if deemed necessary to conduct the  
2 business of the board.

3 Section 302. Powers and duties of board.

4 The board shall have the following powers and duties:

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

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

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

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

19 (5) To investigate applications for licensure and to  
20 determine the eligibility of an individual applying for  
21 licensure.

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

30 (7) To keep minutes and records of all the board's

1 proceedings.

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

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

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

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

29 CHAPTER 5

30 LICENSURE

1 Section 501. Licensure.

2 (a) Prohibition.--An individual may not provide plumbing  
3 services, offer himself or herself for employment as an  
4 individual who may provide plumbing services or hold himself or  
5 herself out as an individual authorized to perform plumbing  
6 services unless licensed under this act.

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

9 (1) Employ an individual to provide plumbing services or  
10 direct an individual to provide plumbing services unless the  
11 individual is licensed under this act.

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

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

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

29 (1) A journeyman plumber or apprentice plumber may hold  
30 himself or herself out as being authorized to perform

1 plumbing services if the journeyman plumber or apprentice  
2 plumber is employed by and works under the direction and  
3 supervision of a licensed plumbing contractor or master  
4 plumber.

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

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

22 Section 502. Qualifications.

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

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

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

1 as a journeyman plumber and not less than four years shall  
2 have been as an apprentice plumber, all in a jurisdiction or  
3 municipality approved by the board. In lieu of the minimum  
4 five years' experience under this paragraph, an applicant may  
5 submit proof satisfactory to the board that the individual  
6 has sufficient training and experience to sit for the  
7 examination. The proof shall be either accepted or rejected  
8 by the board on a case-by-case basis and the board's  
9 decisions shall be considered final.

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

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

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

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

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

18 (2) Submit proof satisfactory to the board that the  
19 applicant has:

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

25 (ii) satisfactorily completed not less than 576  
26 hours of related technical education at an accredited  
27 school approved by the board and the department; and

28 (iii) submitted proof, in lieu of the four years'  
29 experience as required under subparagraph (i), of the  
30 applicant's experience satisfactory to the board that the

1 individual has sufficient training and experience to sit  
2 for the examination. This proof shall be either accepted  
3 or rejected by the board on a case-by-case basis and the  
4 board's decision regarding this proof shall be considered  
5 final.

6 (3) Provide a certificate of completion of  
7 apprenticeship from the department.

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

9 (5) Pass the examination approved by the board.

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

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

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

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

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

24 (e) Renewal of license of apprentice plumber.--In the case  
25 of an apprentice plumber applying for renewal of a license when  
26 registration under subsection (d) has expired or otherwise  
27 lapsed, the apprentice plumber shall submit evidence  
28 satisfactory to the board that the apprentice plumber has  
29 renewed the registration. Failure to notify the board within 30  
30 days that the registration has expired or otherwise lapsed shall

1 subject the apprentice plumber to disciplinary action. In the  
2 case of an apprentice plumber whose registration has expired or  
3 otherwise lapsed, the license shall be immediately placed on  
4 inactive status by the board. The board shall promulgate  
5 regulations in order to carry out the provisions of this  
6 subsection, including regulations specifying the evidence  
7 necessary to demonstrate renewal of the registration.

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

13 (1) The individual applies within 18 months of the  
14 effective date of this paragraph.

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

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

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

23 (ii) five consecutive years of possession of a  
24 current business license as a plumber or an entity  
25 providing plumbing services from a jurisdiction or  
26 municipality approved by the board; or

27 (iii) successful completion of a test administered  
28 by a jurisdiction, municipality or an agency approved by  
29 the board or the respective county of the first or second  
30 class, as appropriate to working as a licensed plumbing

1 contractor or journeyman plumber in those specific  
2 counties or cities.

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

7 (g) Convictions prohibited.--The board may not issue a  
8 license to an individual who has been convicted of an offense  
9 that constitutes a felony, in a court of law of the United  
10 States or any other state, territory or country unless any of  
11 the following have occurred:

12 (1) at least five years have elapsed from the date of  
13 conviction;

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

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

26 Section 503. Continuing education.

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

1 Regulations shall include any fees necessary for the board to  
2 carry out the board's responsibilities under this section. The  
3 board may waive all or part of the continuing education  
4 requirement for a master plumber or a journeyman plumber who  
5 shows evidence satisfactory to the board that the individual was  
6 unable to complete the requirement due to illness, emergency,  
7 military service or other hardship. The waiver will be accepted  
8 or rejected by the board on a case-by-case basis and the board's  
9 decision regarding the proof shall be considered final. All  
10 courses, materials, locations and instructors shall be approved  
11 by the board.

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

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

22 Section 504. Plumbing contractors in other states.

23 (a) Requirement.--For an individual to be eligible to apply  
24 for a license as a master plumber or a journeyman plumber under  
25 subsection (b), the other state, territory or possession of the  
26 United States must provide an opportunity for reciprocal  
27 licensure that is substantially similar to the opportunity  
28 provided by the Commonwealth under this section.

29 (b) Reciprocity established.--Subject to subsection (a), the  
30 board may issue a license without examination to an individual

1 who is licensed as a master plumber or journeyman plumber in  
2 another state, territory or possession of the United States if  
3 all of the following requirements are met:

4 (1) The individual meets the age requirements.

5 (2) The individual pays the required fee.

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

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

14 (c) Counties of the first or second class.--An individual  
15 applying for a license as a master plumber or journeyman plumber  
16 under this section who provides or will provide plumbing  
17 services in either a county of the first class or a county of  
18 the second class must pass an examination administered by the  
19 respective county on the plumbing code of the respective county.  
20 Section 505. Duration of license.

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

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

16 Section 506. Reporting of multiple licensure.

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

29 Section 507. Prohibition.

30 (a) Propane.--This act does not prohibit the installation,

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

9 (b) Registration.--Nothing in this act or section shall  
10 relieve an individual, corporation, partnership, firm, licensed  
11 plumbing contractor or master plumber from, if applicable under  
12 the act, maintaining registration with the Attorney General  
13 under the Home Improvement Consumer Protection Act.

#### 14 CHAPTER 7

#### 15 ADMINISTRATION AND ENFORCEMENT

16 Section 701. Fees, fines and civil penalties.

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

25 (b) Fee increase.--If the department determines that the  
26 fees established by the board under subsection (a) are  
27 inadequate to meet the enforcement required by this act, the  
28 department, after consultation with the board and subject to the  
29 Regulatory Review Act, shall increase the fees by regulation in  
30 an amount to ensure that revenues meet the required enforcement.

1 (c) Account.--A restricted account is established in the  
2 General Fund that shall be known as the Plumbing Contractors  
3 Licensure Account. Beginning July 1, 2023, and thereafter, all  
4 money collected by the board shall be paid into the Plumbing  
5 Contractors Licensure Account. Money in the account is  
6 appropriated upon approval of the Governor for payment of the  
7 costs of processing licenses and renewals and for other general  
8 costs of board operations.

9 (d) Renewal fee.--The board may charge a fee, as set by the  
10 board by regulation, for licensure, for renewing licensure and  
11 for other administrative actions by the board as permitted by  
12 this act or by regulation.

13 Section 702. Violations.

14 (a) Criminal penalty.--An individual or the responsible  
15 officers or employees of a corporation, partnership, firm,  
16 entity, licensed plumbing contractor, master plumber or other  
17 entity violating a provision of this act or a regulation of the  
18 board commits a misdemeanor and shall, upon conviction, be  
19 sentenced to pay a fine of not more than \$1,500 or to  
20 imprisonment for not more than six months for the first  
21 violation. For the second and each subsequent conviction, the  
22 individual shall be sentenced to pay a fine of not more than  
23 \$3,000 or to imprisonment for not less than six months nor more  
24 than one year, or both.

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

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

30 (2) An individual who performs plumbing services in

1 violation of this act without being properly licensed under  
2 this act.

3 (3) The responsible officers or employees of a  
4 corporation, partnership, firm, entity, licensed plumbing  
5 contractor, master plumber or other entity violating a  
6 provision of this act.

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

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

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

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

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

1 A licensee affected under this paragraph shall, at reasonable  
2 intervals, be afforded the opportunity to demonstrate that  
3 the licensee can resume competent, safe and skillful  
4 performance of plumbing services.

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

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

8 (i) the performance of plumbing services; or

9 (ii) securing licensure.

10 (5) An applicant has been convicted of an offense that  
11 constitutes a felony, in a court of law of the United States  
12 or another state, territory or country unless any of the  
13 following have occurred:

14 (i) at least five years have elapsed from the date  
15 of conviction;

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

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

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

1 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 the performance of plumbing services.

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

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

16 (1) Deny the application for a license.

17 (2) Administer a public reprimand.

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

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

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

26 Section 704. Suspensions and revocations.

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

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

8 Section 705. Temporary and automatic suspensions.

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

1 but in no event longer than 180 days.

2 (b) Commitment of licensee.--

3 (1) A license issued under this act shall automatically  
4 be suspended:

5 (i) Upon the legal commitment of a licensee to an  
6 institution because of mental incompetency from any cause  
7 and upon filing with the board a certified copy of the  
8 commitment.

9 (ii) Upon conviction of a felony or conviction of an  
10 offense under the laws of another jurisdiction, that, if  
11 committed in this Commonwealth, would be a felony.

12 (2) Automatic suspension under this subsection may not  
13 be stayed pending an appeal of a conviction. Restoration of  
14 the license shall be made as provided in the case of  
15 revocation or suspension of a license.

16 Section 706. Reinstatement of license.

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

23 Section 707. Surrender of suspended or revoked license.

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

29 Section 708. Injunction.

30 Whenever, in the judgment of the board, a person has engaged

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

10 Section 709. Subpoenas and oaths.

11 (a) Authority granted.--The board shall have the authority  
12 to issue subpoenas, upon application of an attorney responsible  
13 for representing the Commonwealth in disciplinary matters before  
14 the board, for the purpose of investigating alleged violations  
15 of the act or a regulation of the board. The board shall have  
16 the power to subpoena witnesses, administer oaths, examine  
17 witnesses and take testimony or compel the production of books,  
18 records, papers and documents as the board may deem necessary or  
19 proper in and pertinent to a proceeding, investigation or  
20 hearing held by the board. The board is authorized to apply to  
21 Commonwealth Court to enforce the board's subpoenas.

22 Commonwealth Court may impose limitations in the scope of the  
23 subpoena as are necessary to prevent unnecessary intrusion into  
24 client confidential information.

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

1 for the purpose of determining that each alleged violation has  
2 been resolved in a timely manner.

3 CHAPTER 9

4 MISCELLANEOUS PROVISIONS

5 Section 901. Municipalities.

6 (a) Municipal licenses not required and exceptions.--

7 Licensure under this act shall be acceptable to a municipality  
8 in this Commonwealth as proof of competence to perform plumbing  
9 services, and no municipality may require an individual licensed  
10 under this act to obtain an additional license to perform  
11 plumbing services.

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

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

18 (2) Levying lawful taxes and fees.

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

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

24 (c) Plumbing construction standards.--Nothing in this act  
25 authorizes the board or a municipality to adopt plumbing  
26 construction standards except within the relevant provisions of  
27 the act of November 10, 1999 (P.L.491, No.45), known as the  
28 Pennsylvania Construction Code Act. Nothing in this act  
29 authorizes the board or a municipality to adopt a standard or  
30 regulation of propane, propane distributors or installation of

1 propane-related systems or appliances which differs or conflicts  
2 with sections 15 and 16 of the act of June 19, 2002 (P.L.421,  
3 No.61), known as the Propane and Liquefied Petroleum Gas Act.  
4 Section 902. Appropriation.

5 The sum of \$250,000, or as much of that amount as may be  
6 necessary, is hereby appropriated to the department for the  
7 payment of costs associated with processing and renewing  
8 licenses, for the operation of the board and for other costs  
9 associated with this act. The appropriation shall be repaid by  
10 the department within three years of the beginning of issuance  
11 of licenses by the board.

12 Section 903. Regulations.

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

16 Section 904. Effective date.

17 This act shall take effect as follows:

- 18 (1) Section 501(c) shall take effect in 30 days.
- 19 (2) Section 502(a) (4) and (6) shall take effect in 60  
20 days.
- 21 (3) This section shall take effect immediately.
- 22 (4) The remainder of this act shall take effect in 18  
23 months.