
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 288 Session of
2009

INTRODUCED BY ERICKSON, TARTAGLIONE, GREENLEAF, WAUGH, O'PAKE
AND LOGAN, FEBRUARY 20, 2009

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 20, 2009

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; creating the Plumbing Contractors
6 Licensure Account; 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.

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

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

12 (k) (Reserved).

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

17 Section 302. Powers and duties of board.

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

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

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

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

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

1 board.

2 (5) To investigate applications for licensure and to
3 determine the eligibility of an individual applying for
4 licensure.

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

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

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

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

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

28 (11) To submit annually to the Appropriations Committee
29 of the Senate and the Appropriations Committee of the House
30 of Representatives, 15 days after the Governor has submitted

1 a budget to the General Assembly, a copy of the budget
2 request for the upcoming fiscal year which the board
3 previously submitted to the department.

4 CHAPTER 5

5 LICENSURE

6 Section 501. Licensure.

7 (a) General rule.--An individual may not provide plumbing
8 services, offer himself for employment as an individual who may
9 provide plumbing services or hold himself out as an individual
10 authorized to perform plumbing services unless licensed by the
11 board.

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

14 (1) Employ an individual to provide plumbing services or
15 direct an individual to provide plumbing services unless the
16 individual is licensed under this act.

17 (2) Use the term "licensed plumbing contractor" in
18 connection with the entity unless at least one employee or
19 the owner of the entity is licensed as a master plumber in
20 accordance with this act.

21 (c) Title.--An individual who holds a license as a master
22 plumber or is maintained on inactive status pursuant to section
23 505(b) shall have the right to use the title "licensed plumbing
24 contractor" and the abbreviation "L.P.C." No other individual
25 shall use the title "licensed plumbing contractor" or the
26 abbreviation "L.P.C." Except as provided in subsection (d), no
27 individual shall hold himself out as being authorized to provide
28 plumbing services.

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

30 (1) A journeyman plumber or an apprentice plumber may

1 hold himself out as being authorized to perform plumbing
2 services if the journeyman plumber or the apprentice plumber
3 works under the direction and supervision of a 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 shall not be required to obtain a license under
8 this act.

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

22 Section 502. Qualifications.

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

26 (1) Be of good moral character.

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

28 (3) Submit proof satisfactory to the board that the
29 applicant has provided plumbing services for not less than
30 five years prior to application. Of the five years'

1 experience, five years shall have been as a master plumber or
2 one year shall have been as a journeyman plumber and four
3 years shall have been as an apprentice plumber. In lieu of
4 the five years' experience provided in this paragraph, an
5 applicant may submit proof of the applicant's experience
6 satisfactory to the board that the individual has sufficient
7 training and experience to sit for the examination.

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

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

10 (6) Provide a current certificate of liability insurance
11 in the amount of \$500,000.

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

15 (1) Be of good moral character.

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

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

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

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

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

1 county or the second class county, as appropriate.

2 (d) Apprentice plumber.--To be eligible for licensure as an
3 apprentice plumber, an applicant shall fulfill the following
4 requirements:

5 (1) Be of good moral character.

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

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

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

13 (e) Renewal of license of apprentice plumber.--In the case
14 of an apprentice plumber applying for renewal of a license where
15 registration under subsection (d) (3) has expired or otherwise
16 lapsed before the biennial renewal cycle will expire, the
17 apprentice plumber shall submit evidence satisfactory to the
18 board that the apprentice plumber has renewed registration to
19 the board. Failure to notify the board within 30 days that
20 registration has expired or otherwise lapsed shall subject the
21 apprentice plumber to disciplinary action. In the case of an
22 apprentice plumber whose registration has expired or otherwise
23 lapsed, the license shall be immediately placed in inactive
24 status by the board. The board shall promulgate regulations in
25 order to carry out the provisions of this subsection, including
26 regulations setting forth the evidence necessary to demonstrate
27 renewal of registration.

28 (f) Waiver of examination.--Notwithstanding the provisions
29 of subsections (a) (5) and (b) (5), the board may grant a license
30 to an individual applying to become either a master plumber or a

1 journeyman plumber without examination if the individual meets
2 all of the following requirements:

3 (1) The individual applies within one year of the
4 effective date of this section.

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

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

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

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

17 (iii) Successful completion of a test administered
18 by the respective county on the plumbing code of either
19 the county of the first class or a county of the second
20 class, as appropriate to working as a licensee in those
21 specific counties.

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

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

30 (ii) Successful completion of a test administered by

1 the respective county on the plumbing code of either the
2 county of the first class or a county of the second
3 class, as appropriate to working as a licensee in those
4 specific counties.

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

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 he has made significant progress in personal
16 rehabilitation since the conviction such that licensure of
17 the individual should not be expected to create a substantial
18 risk of harm to the health and safety of the public or a
19 substantial risk of further criminal violations.

20 (3) The individual otherwise satisfies the
21 qualifications provided in this act. An individual's
22 statement on the application declaring the absence of a
23 conviction shall be deemed satisfactory evidence of the
24 absence of a conviction unless the board has some evidence to
25 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 its responsibilities under this section. The board may
3 waive all or part of the continuing education requirement for a
4 master plumber or a journeyman plumber who shows evidence
5 satisfactory to the board that the individual was unable to
6 complete the requirement due to illness, emergency, military
7 service or other hardship. All courses, materials, locations and
8 instructors shall be approved by the board. No credit shall be
9 given for a course in office management or practice building.

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

16 Section 504. Plumbing contractors in other states.

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

22 (1) The individual meets the requirements as to
23 character and age.

24 (2) The individual pays the required fee.

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

29 (4) The individual provides evidence satisfactory to the
30 board that the individual has passed an examination in

1 another jurisdiction demonstrating knowledge of a plumbing
2 code.

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

9 (c) Counties of the first or second class.--An individual
10 applying for a license as a master plumber or journeyman plumber
11 under subsection (a) who provides or will provide plumbing
12 services in either a county of the first class or a county of
13 the second class must pass an examination administered by the
14 respective county on the plumbing code of either the county of
15 the first class or the county of the second class, as
16 appropriate.

17 Section 505. Duration of license.

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

29 (b) Inactive status.--An individual licensed under this act
30 may request an application for inactive status. The application

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

14 Section 506. Reporting of multiple licensure.

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

27 CHAPTER 7

28 ADMINISTRATION AND ENFORCEMENT

29 Section 701. Fees, fines and civil penalties.

30 (a) Fees.--All fees required under this act shall be fixed

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

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

15 (c) Account.--A restricted account is hereby created in the
16 State Treasury which shall be known as the Plumbing Contractors
17 Licensure Account. Beginning July 1, 2010, and thereafter, all
18 moneys collected by the State Board of Plumbing Contractors
19 shall be paid into the Plumbing Contractors Licensure Account.
20 Funds in this account are hereby appropriated upon approval of
21 the Governor for payment of the costs of processing licenses and
22 renewals and for other general costs of board operations.

23 (d) Renewal fee.--The board may charge a fee, as set by the
24 board by regulation, for licensure, for renewing licensure and
25 for other administrative actions by the board as permitted by
26 this act or by regulation.

27 Section 702. Violations.

28 (a) General rule.--An individual or the responsible officers
29 or employees of a corporation, partnership, firm or other entity
30 violating a provision of this act or a regulation of the board

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

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

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

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

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

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

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

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

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

30 (1) The licensee is or has been negligent or incompetent

1 in the performance of plumbing services.

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

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

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

24 (i) the performance of plumbing services; or

25 (ii) securing licensure.

26 (5) The board shall not issue a license to an individual
27 who has been convicted of a felonious act prohibited by the
28 act of April 14, 1972 (P.L.233, No.64), known as The
29 Controlled Substance, Drug, Device and Cosmetic Act, or
30 convicted of a felony relating to a controlled substance in a

1 court of law of the United States or any other state,
2 territory or country unless:

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

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

12 (iii) The individual otherwise satisfies the
13 qualifications provided in this act. An individual's
14 statement on the application declaring the absence of a
15 conviction shall be deemed satisfactory evidence of the
16 absence of a conviction unless the board has some
17 evidence to the contrary.

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

22 (7) (Reserved).

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

29 (9) (Reserved).

30 (10) (Reserved).

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

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

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

11 (1) Deny the application for a license.

12 (2) Administer a public reprimand.

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

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

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

21 Section 704. Suspensions and revocations.

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

1 board shall reissue a license only in accordance with section
2 706.

3 Section 705. Temporary and automatic suspensions.

4 (a) General rule.--A license issued under this act may be
5 temporarily suspended under circumstances determined by the
6 board to be an immediate and clear danger to public health or
7 safety or property. The board shall issue an order to that
8 effect without a hearing, but upon due notice, to the licensee
9 concerned at the licensee's last known address, which shall
10 include a written statement of all allegations against the
11 licensee. The provisions of section 704 shall not apply to
12 temporary suspension. The board shall commence formal action to
13 suspend, revoke or restrict the license of the individual as
14 otherwise provided for in this act. All actions shall be taken
15 promptly and without delay. Within 30 days following the
16 issuance of an order temporarily suspending a license, the board
17 shall conduct or cause to be conducted a preliminary hearing to
18 determine that there is a prima facie case supporting the
19 suspension. The individual whose license has been temporarily
20 suspended may be present at the preliminary hearing and may be
21 represented by counsel, cross-examine witnesses, inspect
22 physical evidence, call witnesses, offer evidence and testimony
23 and make a record of the proceedings. If it is determined that
24 there is not a prima facie case, the suspended license shall be
25 immediately restored. The temporary suspension shall remain in
26 effect until vacated by the board, but in no event longer than
27 180 days.

28 (b) Commitment of licensee.--A license issued under this act
29 shall automatically be suspended upon the legal commitment of a
30 licensee to an institution because of mental incompetency from

1 any cause upon filing with the board a certified copy of such
2 commitment, conviction of a felony under the act of April 14,
3 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
4 Device and Cosmetic Act, or conviction of an offense under the
5 laws of another jurisdiction, which, if committed in
6 Pennsylvania, would be a felony under The Controlled Substance,
7 Drug, Device and Cosmetic Act. Automatic suspension under this
8 subsection shall not be stayed pending an appeal of a
9 conviction. Restoration of the license shall be made as provided
10 in the case of revocation or suspension of a license.

11 Section 706. Reinstatement of license.

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

18 Section 707. Surrender of suspended or revoked license.

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

23 Section 708. Injunction.

24 Whenever, in the judgment of the board, a person has engaged
25 in an act or practice which constitutes or will constitute a
26 violation of this act, the board or its agents may make
27 application to the appropriate court for an order enjoining such
28 act or practice. Upon a showing by the board that the person has
29 engaged or is about to engage in such act or practice, an
30 injunction, restraining order or such order, as may be

1 appropriate, may be granted by the court. The remedy by
2 injunction is in addition to any other civil or criminal
3 penalty.

4 Section 709. Subpoenas and oaths.

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

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

27 CHAPTER 21

28 MISCELLANEOUS PROVISIONS

29 Section 2101. Municipalities.

30 (a) Municipal licensed not required.--Licensure under this

1 act shall be acceptable to a municipality in this Commonwealth
2 as proof of competence to perform plumbing services and no
3 municipality may require an individual licensed under this act
4 to obtain an additional license to perform plumbing services.

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

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

12 (2) Levying lawful taxes and fees.

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

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

18 Section 2102. Appropriation.

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

26 Section 2103. Regulations.

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

30 Section 2104. Effective date.

1 This act shall take effect as follows:

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

3 (2) This section shall take effect immediately.

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