

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 288 Session of 2009

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

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, APRIL 19, 2010

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

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

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

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

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

13 "Master plumber" or "licensed plumbing contractor." An
14 individual who has been licensed by the State Board of Plumbing
15 Contractors and who is authorized to perform plumbing services
16 and to supervise plumbing services provided by an apprentice
17 plumber or a 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 facilities and building
28 sewers to the facility's or sewer's final connection to an
29 approved point of disposal, venting systems, public and private
30 water supply systems of a premises or building within the

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

6 CHAPTER 3

7 BOARD

8 Section 301. State Board of Plumbing Contractors.

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

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

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

13 (2) Two public members.

14 (3) Six professional members. Professional members shall
15 have been actively engaged in providing plumbing services in
16 this Commonwealth for at least ten years immediately
17 preceding appointment. Two professional members shall reside
18 in a county of the first class. One professional member shall
19 reside in a county of the second class AND THE OTHER SHALL ←
20 RESIDE IN A COUNTY OF THE THIRD CLASS. Three professional
21 members shall be subject to collective bargaining agreements.
22 Three professional members shall not be subject to collective
23 bargaining agreements. Except as set forth in subsection (f),
24 professional members shall be licensed under this act as
25 master plumbers.

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

1 providing plumbing services in this Commonwealth.

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

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

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

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

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

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

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

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

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

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

14 (k) (Reserved).

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

19 Section 302. Powers and duties of board.

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

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

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

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

28 (4) To approve professional testing organizations to
29 administer tests to qualified applicants for licensure as
30 provided in this act. Written, oral or practical examinations

1 shall be prepared and administered by a qualified and
2 approved professional testing organization approved by the
3 board.

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

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

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

16 (8) To keep and maintain a registry of individuals
17 licensed by the board. The board shall provide access to the
18 registry to the public, including making the registry
19 available on a publicly accessible Internet website. THE ←
20 REGISTRY SHALL CONTAIN THE HOME IMPROVEMENT CONTRACTOR
21 REGISTRATION NUMBER REQUIRED BY THE ACT OF OCTOBER 17, 2008
22 (P.L.1645, NO.132), KNOWN AS THE HOME IMPROVEMENT CONSUMER
23 PROTECTION ACT, AND PROVIDE ACCESS INFORMATION FOR THE
24 WEBSITE CONTAINING REGISTRATION INFORMATION IF THE CONTRACTOR
25 IS REQUIRED TO BE REGISTERED AS A RESIDENTIAL HOME
26 IMPROVEMENT CONTRACTOR.

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

30 (10) To submit annually a report to the Consumer

1 Protection and Professional Licensure Committee of the Senate
2 and the Professional Licensure Committee of the House of
3 Representatives. The report shall include a description of
4 the types of complaints received, the status of cases, the
5 action which has been taken and the length of time from
6 initial complaint to final resolution.

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

13 CHAPTER 5

14 LICENSURE

15 Section 501. Licensure.

16 (a) General rule.--An individual may not provide plumbing
17 services, offer himself for employment as an individual who may
18 provide plumbing services or hold himself out as an individual
19 authorized to perform plumbing services unless licensed by the
20 board.

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

23 (1) Employ an individual to provide plumbing services or
24 direct an individual to provide plumbing services unless the
25 individual is licensed under this act.

26 (2) Use the term "licensed plumbing contractor" in
27 connection with the entity unless at least one employee or
28 the owner of the entity is licensed as a master plumber in
29 accordance with this act.

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

1 plumber or is maintained on inactive status pursuant to section
2 505(b) shall have the right to use the title "licensed plumbing
3 contractor" and the abbreviation "L.P.C." No other individual
4 shall use the title "licensed plumbing contractor" or the
5 abbreviation "L.P.C." Except as provided in subsection (d), no
6 individual shall hold himself out as being authorized to provide
7 plumbing services.

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

9 (1) A journeyman plumber or an apprentice plumber may
10 hold himself out as being authorized to perform plumbing
11 services if the journeyman plumber or the apprentice plumber
12 works under the direction and supervision of a master
13 plumber.

14 (2) An individual who is not in the business of
15 providing plumbing services and who performs minor repairs in
16 a residence shall not be required to obtain a license under
17 this act.

18 (e) Responsibility.--A licensed plumbing contractor shall
19 assume full responsibility for inspection of plumbing services
20 irrespective of whether the plumbing services were performed by
21 the licensed plumbing contractor or by a journeyman plumber or
22 an apprentice plumber working under the direction and
23 supervision of the licensed plumbing contractor. In addition,
24 the licensed plumbing contractor shall direct and supervise
25 plumbing services performed by a journeyman plumber or an
26 apprentice plumber. This subsection includes the responsibility
27 of the licensed plumbing contractor to ensure conformance with
28 safety standards and applicable plumbing codes, including
29 plumbing codes for first class counties and second class
30 counties AS PROVIDED UNDER THE ACT OF NOVEMBER 10, 1999



1 (P.L.491, NO.45), KNOWN AS THE PENNSYLVANIA CONSTRUCTION CODE
2 ACT.

3 Section 502. Qualifications.

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

7 (1) ~~Be of good moral character.~~ ←

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

9 ~~(3)~~ (2) Submit proof satisfactory to the board that the ←
10 applicant has provided plumbing services for not less than
11 five years prior to application. Of the five years'
12 experience, five years shall have been as a master plumber or
13 one year shall have been as a journeyman plumber and four
14 years shall have been as an apprentice plumber. In lieu of
15 the five years' experience provided in this paragraph, an
16 applicant may submit proof of the applicant's experience
17 satisfactory to the board that the individual has sufficient
18 training and experience to sit for the examination.

19 ~~(4)~~ (3) Pay the fee set by the board. ←

20 ~~(5)~~ (4) Pass the examination provided by the board. ←

21 ~~(6)~~ (5) Provide a current certificate of liability ←
22 insurance in the amount of \$500,000.

23 (b) Journeyman plumber.--To be eligible for licensure as a
24 journeyman 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 four years as a journeyman or an apprentice plumber or has

1 served 8,000 hours as an apprentice plumber and has
2 satisfactorily completed at least 576 hours of related
3 technical education at an accredited school.

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

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

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

13 (d) Apprentice plumber.--To be eligible for licensure as an
14 apprentice plumber, an applicant shall fulfill the following
15 requirements:

16 (1) Be of good moral character.

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

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

23 (4) 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 where
26 registration under subsection (d)(3) has expired or otherwise
27 lapsed before the biennial renewal cycle will expire, the
28 apprentice plumber shall submit evidence satisfactory to the
29 board that the apprentice plumber has renewed registration to
30 the board. Failure to notify the board within 30 days that

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

9 (f) Waiver of examination.--Notwithstanding the provisions
10 of subsections (a) (5) and (b) (5), the board ~~may~~ SHALL grant a ←
11 license to an individual applying to become either a master
12 plumber or a journeyman plumber without examination if the
13 individual meets all of the following requirements:

14 (1) The individual applies within ~~one year~~ 18 MONTHS of ←
15 the effective date of this section.

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

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

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

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

28 (iii) Successful completion of a test administered
29 by the respective county OR CITY on the plumbing code of ←
30 either the county OR CITY of the first class or a county ←

1 OR CITY of the second class OR A COUNTY OR CITY OF THE ←
2 THIRD CLASS, as appropriate to working as a licensee in
3 those specific counties OR CITIES. ←

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

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

12 (ii) Successful completion of a test administered by
13 the respective county OR CITY on the plumbing code of ←
14 either the county OR CITY of the first class or a county ←
15 OR CITY of the second class OR A COUNTY OR CITY OF THE ←
16 THIRD CLASS, as appropriate to working as a licensee in
17 those specific counties OR CITIES. ←

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

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

27 (2) The individual satisfactorily demonstrates to the
28 board that he has made significant progress in personal
29 rehabilitation since the conviction such that licensure of
30 the individual should not be expected to create a substantial

1 risk of harm to the health and safety of the public or a
2 substantial risk of further criminal violations.

3 (3) The individual otherwise satisfies the
4 qualifications provided in this act. An individual's
5 statement on the application declaring the absence of a
6 conviction shall be deemed satisfactory evidence of the
7 absence of a conviction unless the board has some evidence to
8 the contrary.

9 Section 503. Continuing education.

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

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

29 Section 504. Plumbing contractors in other states.

30 (a) Reciprocity established.--Subject to subsections (b) and

1 (c), the board may issue a license without examination to an
2 individual who is licensed as a master plumber or journeyman
3 plumber in any other state, territory or possession of the
4 United States if all of the following requirements are met:

5 (1) The individual meets the requirements as to
6 character and age.

7 (2) The individual pays the required fee.

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

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

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

22 (c) Counties of the first or second class.--An individual
23 applying for a license as a master plumber or journeyman plumber
24 under subsection (a) who provides or will provide plumbing
25 services in either a county of the first class or a county of
26 the second class must pass an examination administered by the
27 respective county on the plumbing code of either the county of
28 the first class or the county of the second class, as
29 appropriate.

30 Section 505. Duration of license.


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

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

27 Section 506. Reporting of multiple licensure.

28 A licensee who is also licensed to perform plumbing services
29 in any other state, territory or possession of the United States
30 shall report this information to the board on the biennial

1 registration application. Any disciplinary action taken in
2 another state, territory, possession of the United States or
3 country shall be reported to the board on the biennial
4 registration application or within 90 days of final disposition,
5 whichever is sooner. Multiple licensure shall be noted by the
6 board on the individual's record, and such state, territory,
7 possession or country shall be notified by the board of any
8 disciplinary action taken against the licensee in this
9 Commonwealth.

10 SECTION 507. PROHIBITION. 

11 THIS ACT SHALL NOT PROHIBIT THE INSTALLATION, MODIFICATION OR
12 REPLACEMENT OF PROPANE-RELATED SYSTEMS OR APPLIANCES BY THE
13 OWNER, PRINCIPAL OR EMPLOYEE OF A PROPANE DISTRIBUTOR IF THE
14 PROPANE DISTRIBUTOR IS REGISTERED WITH THE DEPARTMENT UNDER THE
15 ACT OF JUNE 19, 2002 (P.L.421, NO.61), KNOWN AS THE PROPANE AND
16 LIQUEFIED PETROLEUM GAS ACT, AND WITH THE ATTORNEY GENERAL UNDER
17 THE ACT OF OCTOBER 17, 2008 (P.L.1645, NO.132), KNOWN AS THE
18 HOME IMPROVEMENT CONSUMER PROTECTION ACT.

19 CHAPTER 7

20 ADMINISTRATION AND ENFORCEMENT

21 Section 701. Fees, fines and civil penalties.

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

30 (b) Fee increase.--If the department determines that the

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

7 (c) Account.--A restricted account is hereby created in the
8 State Treasury which shall be known as the Plumbing Contractors
9 Licensure Account. Beginning July 1, 2010, and thereafter, all
10 moneys collected by the State Board of Plumbing Contractors
11 shall be paid into the Plumbing Contractors Licensure Account.
12 Funds in this account are hereby appropriated upon approval of
13 the Governor for payment of the costs of processing licenses and
14 renewals and for other general costs of board operations.

15 (d) Renewal fee.--The board may charge a fee, as set by the
16 board by regulation, for licensure, for renewing licensure and
17 for other administrative actions by the board as permitted by
18 this act or by regulation.

19 Section 702. Violations.

20 (a) General rule.--An individual or the responsible officers
21 or employees of a corporation, partnership, firm or other entity
22 violating a provision of this act or a regulation of the board
23 commits a misdemeanor and shall, upon conviction, be sentenced
24 to pay a fine of not more than \$1,000 or to imprisonment for not
25 more than six months for the first violation. For the second and
26 each subsequent conviction, the person shall be sentenced to pay
27 a fine of not more than \$2,000 or to imprisonment for not less
28 than six months or more than one year, or both.

29 (b) Civil penalty.--In addition to any other civil remedy or
30 criminal penalty provided for in this act, the board, by a vote

1 of the majority of the maximum number of the authorized
2 membership of the board as provided by law or by a vote of the
3 majority of the duly qualified and confirmed membership or a
4 minimum of five members, whichever is greater, may levy a civil
5 penalty of up to \$10,000 on any of the following:

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

7 (2) An individual who performs plumbing services in
8 violation of this act.

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

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

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

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

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

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

24 (2) The licensee is or has been unable to perform
25 plumbing services with reasonable skill and safety by reason
26 of mental or physical illness or condition or physiological
27 or psychological dependence upon alcohol, hallucinogenic or
28 narcotic drugs or other drugs which tend to impair judgment
29 or coordination, so long as such dependence shall continue.

30 In enforcing this paragraph, the board shall, upon probable

1 cause, have authority to compel a licensee to submit to a
2 mental or physical examination as designated by it. After
3 notice, hearing, adjudication and appeal, failure of a
4 licensee to submit to such examination when directed shall
5 constitute an admission of the allegations unless failure is
6 due to circumstances beyond the licensee's control,
7 consequent upon which a default and final order may be
8 entered without the taking of testimony or presentation of
9 evidence. A licensee affected under this paragraph shall at
10 reasonable intervals be afforded the opportunity to
11 demonstrate that he can resume competent, safe and skillful
12 performance of plumbing services.

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

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

16 (i) the performance of plumbing services; or

17 (ii) securing licensure.

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

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

27 (ii) The individual satisfactorily demonstrates to
28 the board that he has made significant progress in
29 personal rehabilitation since the conviction such that
30 licensure of the individual should not be expected to

1 create a substantial risk of harm to the health and
2 safety of the public or a substantial risk of further
3 criminal violations.

4 (iii) The individual otherwise satisfies the
5 qualifications provided in this act. An individual's
6 statement on the application declaring the absence of a
7 conviction shall be deemed satisfactory evidence of the
8 absence of a conviction unless the board has some
9 evidence to the contrary.

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

14 (7) (Reserved).

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

21 (9) (Reserved).

22 (10) (Reserved).

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

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

30 (b) Acts authorized.--When the board finds that the license

1 of an individual may be refused, revoked or suspended pursuant
2 to subsection (a), the board may:

3 (1) Deny the application for a license.

4 (2) Administer a public reprimand.

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

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

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

13 Section 704. Suspensions and revocations.

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

25 Section 705. Temporary and automatic suspensions.

26 (a) General rule.--A license issued under this act may be
27 temporarily suspended under circumstances determined by the
28 board to be an immediate and clear danger to public health or
29 safety or property. The board shall issue an order to that
30 effect without a hearing, but upon due notice, to the licensee

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

20 (b) Commitment of licensee.--A license issued under this act
21 shall automatically be suspended upon the legal commitment of a
22 licensee to an institution because of mental incompetency from
23 any cause upon filing with the board a certified copy of such
24 commitment, conviction of a felony under the act of April 14,
25 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
26 Device and Cosmetic Act, or conviction of an offense under the
27 laws of another jurisdiction, which, if committed in
28 Pennsylvania, would be a felony under The Controlled Substance,
29 Drug, Device and Cosmetic Act. Automatic suspension under this
30 subsection shall not be stayed pending an appeal of a

1 conviction. Restoration of the license shall be made as provided
2 in the case of revocation or suspension of a license.

3 Section 706. Reinstatement of license.

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

10 Section 707. Surrender of suspended or revoked license.

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

15 Section 708. Injunction.

16 Whenever, in the judgment of the board, a person has engaged
17 in an act or practice which constitutes or will constitute a
18 violation of this act, the board or its agents may make
19 application to the appropriate court for an order enjoining such
20 act or practice. Upon a showing by the board that the person has
21 engaged or is about to engage in such act or practice, an
22 injunction, restraining order or such order, as may be
23 appropriate, may be granted by the court. The remedy by
24 injunction is in addition to any other civil or criminal
25 penalty.

26 Section 709. Subpoenas and oaths.

27 (a) Authority granted.--The board shall have the authority
28 to issue subpoenas, upon application of an attorney responsible
29 for representing the Commonwealth in disciplinary matters before
30 the board, for the purpose of investigating alleged violations

1 of the act or regulation of the board. The board shall have the
2 power to subpoena witnesses, to administer oaths, to examine
3 witnesses and to take such testimony or compel the production of
4 such books, records, papers and documents as it may deem
5 necessary or proper in and pertinent to any proceeding,
6 investigation or hearing held or had by it. The board is
7 authorized to apply to Commonwealth Court to enforce its
8 subpoenas. The court may impose limitations in the scope of the
9 subpoena as are necessary to prevent unnecessary intrusion into
10 client confidential information.

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

19 CHAPTER 21

20 MISCELLANEOUS PROVISIONS

21 Section 2101. Municipalities.

22 (a) Municipal licensed not required.--Licensure under this
23 act shall be acceptable to a municipality OR PUBLIC ENTITY in ←
24 this Commonwealth as proof of competence to perform plumbing
25 services and no municipality may require an individual licensed
26 under this act to obtain an additional license to perform
27 plumbing services.

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

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

5 (2) Levying lawful taxes and fees.

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

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

11 (C) PLUMBING CONSTRUCTION STANDARDS.--NOTHING IN THIS ACT ←
12 AUTHORIZES THE BOARD OR A MUNICIPALITY TO ADOPT PLUMBING
13 CONSTRUCTION STANDARDS EXCEPT WITHIN THE RELEVANT PROVISIONS OF
14 THE ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN AS THE
15 PENNSYLVANIA CONSTRUCTION CODE ACT. NOTHING IN THIS ACT
16 AUTHORIZES THE BOARD OR A MUNICIPALITY TO ADOPT A STANDARD OR
17 REGULATION OF PROPANE, PROPANE DISTRIBUTORS OR INSTALLATION OF
18 PROPANE-RELATED SYSTEMS OR APPLIANCES WHICH DIFFERS OR CONFLICTS
19 WITH SECTIONS 15 AND 16 OF THE ACT OF JUNE 19, 2002 (P.L.421,
20 NO.61), KNOWN AS THE PROPANE AND LIQUEFIED PETROLEUM GAS ACT.
21 Section 2102. Appropriation.

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

29 Section 2103. Regulations.

30 Within 18 months of the effective date of this section, the

1 board shall begin to promulgate regulations to carry out this
2 act.

3 Section 2104. Effective date.

4 This act shall take effect as follows:

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

6 (2) This section shall take effect immediately.

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