
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

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 29, 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 ~~pipng, 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 AND BE LICENSED AS A PLUMBER BY a county of the first ←
19 class. One professional member shall reside in AND BE ←
20 LICENSED AS A PLUMBER BY a county of the second class and the
21 other shall reside in a county of the third class. Three
22 professional members shall be subject to collective
23 bargaining agreements. Three professional members shall not
24 be subject to collective bargaining agreements. Except as set
25 forth in subsection (f), professional members shall be
26 licensed under this act as master plumbers.

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

1 educate the public regarding the requirements of this act and
2 providing plumbing services in this Commonwealth.

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

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

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

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

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

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

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

1 physically in attendance at the meeting.

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

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

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

15 (k) (Reserved).

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

20 Section 302. Powers and duties of board.

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

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

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

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

29 (4) To approve professional testing organizations to
30 administer tests to qualified applicants for licensure as

1 provided in this act. Written, oral or practical examinations
2 shall be prepared and administered by a qualified and
3 approved professional testing organization approved by the
4 board.

5 (5) To investigate applications for licensure and to
6 determine the eligibility of an individual applying for
7 licensure UNDER THIS ACT. ←

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

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

17 (8) To keep and maintain a registry of individuals
18 licensed by the board. The board shall provide access to the
19 registry to the public, including making the registry
20 available on a publicly accessible Internet website. The
21 registry shall contain the home improvement contractor
22 registration number required by the act of October 17, 2008
23 (P.L.1645, No.132), known as the Home Improvement Consumer
24 Protection Act, and provide access information for the
25 website containing registration information if the contractor
26 is required to be registered as a residential home
27 improvement contractor.

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

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

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

14 CHAPTER 5

15 LICENSURE

16 Section 501. Licensure.

17 (a) General rule.--An individual may not ~~provide plumbing~~ ←
18 ~~services, offer himself for employment as an individual who may~~
19 ~~provide plumbing services or hold himself out as an individual~~ ←
20 ~~authorized to perform plumbing services~~ APPRENTICE PLUMBER, ←
21 JOURNEYMAN PLUMBER OR MASTER PLUMBER unless licensed by the
22 board.

23 (b) Business entities.--An individual, corporation,
24 partnership, firm or other entity shall not: ←

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

28 ~~(2) Use~~ USE the term "licensed plumbing contractor" in ←
29 connection with the entity unless at least one employee or
30 the owner of the entity is licensed as a master plumber in

1 accordance with this act.

2 (c) Title.--An individual who holds a license as a master
3 plumber or is maintained on inactive status pursuant to section
4 505(b) shall have the right to use the title "licensed plumbing
5 contractor" and the abbreviation "L.P.C." No other individual
6 shall use the title "licensed plumbing contractor" or the
7 abbreviation "L.P.C." ~~Except as provided in subsection (d), no~~ ←
8 ~~individual shall hold himself out as being authorized to provide~~
9 ~~plumbing services.~~

10 ~~(d) Exceptions. The following exceptions apply:~~

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

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

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

30 (D) RESPONSIBILITY.--A LICENSED PLUMBING CONTRACTOR SHALL ←

1 ASSUME FULL RESPONSIBILITY TO ENSURE CONFORMANCE WITH safety
2 standards and applicable plumbing codes, including plumbing
3 codes for first class counties and second class counties as
4 provided under the act of November 10, 1999 (P.L.491, No.45),
5 known as the Pennsylvania Construction Code Act.

6 (E) ADDITIONAL LICENSURE REQUIREMENTS.--NOTHING IN THIS ACT ←
7 SHALL PROHIBIT FIRST OR SECOND CLASS COUNTIES FROM IMPOSING
8 PLUMBING LICENSURE REQUIREMENTS IN ADDITION TO THE PROVISIONS OF
9 THIS ACT.

10 Section 502. Qualifications.

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

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

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

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

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

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

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

1 requirements:

2 (1) Be of good moral character.

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

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

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

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

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

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

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

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

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

29 (e) Renewal of license of apprentice plumber.--In the case
30 of an apprentice plumber applying for renewal of a license where

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

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

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

21 (2) The individual meets the requirements of age ~~and~~ ←
22 ~~character~~ and pays the required fee.

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

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

29 (ii) Five consecutive years of possession of a
30 current business license as a plumber from a municipality

1 or other agency recognized by the respective county and
2 the board where applicable.

3 (iii) Successful completion of a test administered
4 by the respective ~~county or city on the plumbing code of~~ ←
5 ~~either the county or city of the first class or a county~~
6 ~~or city of the~~ COUNTY OF THE FIRST OR second class or a ←
7 county or city of the third class, as appropriate to
8 working as a licensee in those specific counties or
9 cities.

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

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

18 (ii) Successful completion of a test administered by
19 the respective county ~~or city on the plumbing code of~~ ←
20 ~~either the county or city of the first class or a county~~
21 ~~or city of the~~ OF THE FIRST OR second class or a county ←
22 or city of the third class, as appropriate to working as
23 a licensee in those specific counties or cities.

24 (g) Convictions prohibited.--The board shall not issue a
25 license to an individual who has been convicted of a felonious
26 act prohibited by the act of April 14, 1972 (P.L.233, No.64),
27 known as The Controlled Substance, Drug, Device and Cosmetic
28 Act, or convicted of a felony relating to a controlled substance
29 in a court of law of the United States or any other state,
30 territory or country unless ALL OF THE FOLLOWING HAVE OCCURRED: ←

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

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

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

15 Section 503. Continuing education.

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

29 (b) Requirement.--Beginning with the licensure period
30 designated by regulation, an individual applying for renewal of

1 a license as a master plumber or a journeyman plumber shall be
2 required to obtain 10 hours of continuing education during the
3 two calendar years immediately preceding the application for
4 renewal.

5 Section 504. Plumbing contractors in other states.

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

11 (1) The individual meets the requirements as to
12 character and age.

13 (2) The individual pays the required fee.

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

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

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

28 (c) Counties of the first or second class.--An individual
29 applying for a license as a master plumber or journeyman plumber
30 under subsection (a) who provides or will provide plumbing

1 services in either a county of the first class or a county of
2 the second class ~~must pass an examination administered by the~~ ←
3 ~~respective county on the plumbing code of either the county of~~
4 ~~the first class or the county of the second class, as~~
5 ~~appropriate~~ SHALL FURTHER BE SUBJECT TO ANY LICENSURE ←
6 REQUIREMENT OF THE RESPECTIVE COUNTY.

7 Section 505. Duration of license.

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

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

1 to the board of renewal of registration before the board may
2 activate the license. The board shall promulgate regulations to
3 carry into effect the provisions of this subsection.

4 Section 506. Reporting of multiple licensure.

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

17 Section 507. Prohibition.

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

26 CHAPTER 7

27 ADMINISTRATION AND ENFORCEMENT

28 Section 701. Fees, fines and civil penalties.

29 (a) Fees.--All fees required under this act shall be fixed
30 by the board by regulation and shall be subject to the act of

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

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

14 (c) Account.--A restricted account is hereby created in the
15 State Treasury which shall be known as the Plumbing Contractors
16 Licensure Account. Beginning July 1, ~~2010~~ 2011, and thereafter, ←
17 all moneys collected by the State Board of Plumbing Contractors
18 shall be paid into the Plumbing Contractors Licensure Account.
19 Funds in this account are hereby appropriated upon approval of
20 the Governor for payment of the costs of processing licenses and
21 renewals and for other general costs of board operations.

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

26 Section 702. Violations.

27 (a) General rule.--An individual or the responsible officers
28 or employees of a corporation, partnership, firm or other entity
29 violating a provision of this act or a regulation of the board
30 commits a misdemeanor and shall, upon conviction, be sentenced

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

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

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

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

16 ~~(3) An individual who holds himself out as an individual~~
17 ~~authorized to perform plumbing services~~

18 (2) AN INDIVIDUAL OR FIRM THAT HOLDS HIMSELF OR ITSELF ←
19 OUT AS AN APPRENTICE PLUMBER, JOURNEYMAN PLUMBER, MASTER
20 PLUMBER OR LICENSED PLUMBING CONTRACTOR without being
21 properly licensed as provided in this act.

22 ~~(4)~~ (3) The responsible officers or employees of a ←
23 corporation, partnership, firm or other entity violating a
24 provision of this act.

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

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

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

1 revoke a license in a case where the board finds:

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

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

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

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

26 (i) the performance of plumbing services; or

27 (ii) securing licensure.

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

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

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

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

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

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

24 (7) (Reserved).

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

1 (9) (Reserved).

2 (10) (Reserved).

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

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

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

13 (1) Deny the application for a license.

14 (2) Administer a public reprimand.

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

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

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

23 Section 704. Suspensions and revocations.

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

1 and in accordance with its regulations, may reissue a license
2 which has been suspended. If a license has been revoked, the
3 board shall reissue a license only in accordance with section
4 706.

5 Section 705. Temporary and automatic suspensions.

6 (a) General rule.--A license issued under this act may be
7 temporarily suspended under circumstances determined by the
8 board to be an immediate and clear danger to public health or
9 safety or property. The board shall issue an order to that
10 effect without a hearing, but upon due notice, to the licensee
11 concerned at the licensee's last known address, which shall
12 include a written statement of all allegations against the
13 licensee. The provisions of section 704 shall not apply to
14 temporary suspension. The board shall commence formal action to
15 suspend, revoke or restrict the license of the individual as
16 otherwise provided for in this act. All actions shall be taken
17 promptly and without delay. Within 30 days following the
18 issuance of an order temporarily suspending a license, the board
19 shall conduct or cause to be conducted a preliminary hearing to
20 determine that there is a prima facie case supporting the
21 suspension. The individual whose license has been temporarily
22 suspended may be present at the preliminary hearing and may be
23 represented by counsel, cross-examine witnesses, inspect
24 physical evidence, call witnesses, offer evidence and testimony
25 and make a record of the proceedings. If it is determined that
26 there is not a prima facie case, the suspended license shall be
27 immediately restored. The temporary suspension shall remain in
28 effect until vacated by the board, but in no event longer than
29 180 days.

30 (b) Commitment of licensee.--A license issued under this act

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

13 Section 706. Reinstatement of license.

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

20 Section 707. Surrender of suspended or revoked license.

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

25 Section 708. Injunction.

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

1 engaged or is about to engage in such act or practice, an
2 injunction, restraining order or such order, as may be
3 appropriate, may be granted by the court. The remedy by
4 injunction is in addition to any other civil or criminal
5 penalty.

6 Section 709. Subpoenas and oaths.

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

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

29 CHAPTER 21

30 MISCELLANEOUS PROVISIONS

1 Section 2101. Municipalities.

2 (a) Municipal ~~licensed~~ LICENSES not required AND ←
3 EXCEPTIONS.--Licensure under this act shall be acceptable to a
4 municipality or public entity in this Commonwealth, EXCEPT AS TO ←
5 A COUNTY OF THE FIRST OR SECOND CLASS, as proof of competence to
6 perform plumbing services, and no municipality, OTHER THAN A ←
7 COUNTY OF THE FIRST OR SECOND CLASS, may require an individual
8 licensed under this act to obtain an additional license to
9 perform plumbing services.

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

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

17 (2) Levying lawful taxes and fees.

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

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

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

1 with sections 15 and 16 of the act of June 19, 2002 (P.L.421,
2 No.61), known as the Propane and Liquefied Petroleum Gas Act.
3 Section 2102. Appropriation.

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

11 Section 2103. Regulations.

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

15 Section 2104. Effective date.

16 This act shall take effect as follows:

- 17 (1) Section 501 shall take effect in one year.
- 18 (2) This section shall take effect immediately.
- 19 (3) The remainder of this act shall take effect in 60
20 days.