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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 441 Session of  
2013

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INTRODUCED BY ERICKSON, KASUNIC, TARTAGLIONE, SOLOBAY, FERLO AND  
BOSCOLA, FEBRUARY 6, 2013

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
FEBRUARY 6, 2013

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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 CHAPTER 3

19 BOARD

20 Section 301. State Board of Plumbing Contractors.

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

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

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

25 (2) Two public members.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (k) (Reserved).

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

1 the board.

2 Section 302. Powers and duties of board.

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

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

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

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

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

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

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

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

29 (8) To keep and maintain a registry of individuals  
30 licensed by the board. The board shall provide access to the

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

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

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

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

## 26 CHAPTER 5

### 27 LICENSURE

#### 28 Section 501. Licensure.

29 (a) General rule.--An individual may not hold himself out as  
30 an apprentice plumber, journeyman plumber or master plumber

1 unless licensed by the board.

2 (b) Business entities.--An individual, corporation,  
3 partnership, firm or other entity shall not use the term  
4 "licensed plumbing contractor" in connection with the entity  
5 unless at least one employee or the owner of the entity is  
6 licensed as a master plumber in accordance with this act.

7 (c) Title.--An individual who holds a license as a master  
8 plumber or is maintained on inactive status pursuant to section  
9 505(b) shall have the right to use the title "licensed plumbing  
10 contractor" and the abbreviation "L.P.C." No other individual  
11 shall use the title "licensed plumbing contractor" or the  
12 abbreviation "L.P.C."

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

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

23 Section 502. Qualifications.

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

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

28 (2) 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 (3) Pay the fee set by the board.

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

10 (5) 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) (4) 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 at least 16 years of age.

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

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

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

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

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

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

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

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

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

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

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

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

28                (ii) Successful completion of a test administered by  
29 the respective county of the first or second class or a  
30 county or city of the third class, as appropriate to

1 working as a licensee in those specific counties or  
2 cities.

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

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

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

18 (3) The individual otherwise satisfies the  
19 qualifications provided in this act. An individual's  
20 statement on the application declaring the absence of a  
21 conviction shall be deemed satisfactory evidence of the  
22 absence of a conviction unless the board has some evidence to  
23 the contrary.

24 Section 503. Continuing education.

25 (a) Regulations.--The board shall adopt, promulgate and  
26 enforce rules and regulations consistent with the provisions of  
27 this act establishing continuing education to be met by  
28 individuals licensed as master plumbers and journeyman plumbers.  
29 Regulations shall include any fees necessary for the board to  
30 carry out its responsibilities under this section. The board may

1 waive all or part of the continuing education requirement for a  
2 master plumber or a journeyman plumber who shows evidence  
3 satisfactory to the board that the individual was unable to  
4 complete the requirement due to illness, emergency, military  
5 service or other hardship. All courses, materials, locations and  
6 instructors shall be approved by the board. No credit shall be  
7 given for a course in office management or practice building.

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

14 Section 504. Plumbing contractors in other states.

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

20 (1) The individual meets the requirements as to  
21 character and age.

22 (2) The individual pays the required fee.

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

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

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

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

13 Section 505. Duration of license.

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

25 (b) Inactive status.--An individual licensed under this act  
26 may request an application for inactive status. The application  
27 form may be completed and returned to the board. Upon receipt of  
28 an application, the individual shall be maintained on inactive  
29 status without fee and shall be entitled to apply for a  
30 licensure renewal at any time. An individual who requests the

1 board to activate the license of the individual and who has been  
2 on inactive status shall, prior to receiving an active license,  
3 satisfy the requirements of the board's regulations regarding  
4 continuing education and remit the required fee. In the case of  
5 an apprentice plumber who is placed on inactive status pursuant  
6 to section 502(e), the apprentice plumber shall provide evidence  
7 to the board of renewal of registration before the board may  
8 activate the license. The board shall promulgate regulations to  
9 carry into effect the provisions of this subsection.

10 Section 506. Reporting of multiple licensure.

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

23 Section 507. Prohibition.

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

1 Home Improvement Consumer Protection Act.

2 CHAPTER 7

3 ADMINISTRATION AND ENFORCEMENT

4 Section 701. Fees, fines and civil penalties.

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

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

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

28 (d) Renewal fee.--The board may charge a fee, as set by the  
29 board by regulation, for licensure, for renewing licensure and  
30 for other administrative actions by the board as permitted by



1 this act or by regulation.

2 Section 702. Violations.

3 (a) General rule.--An individual or the responsible officers  
4 or employees of a corporation, partnership, firm or other entity  
5 violating a provision of this act or a regulation of the board  
6 commits a misdemeanor and shall, upon conviction, be sentenced  
7 to pay a fine of not more than \$1,000 or to imprisonment for not  
8 more than six months for the first violation. For the second and  
9 each subsequent conviction, the person shall be sentenced to pay  
10 a fine of not more than \$2,000 or to imprisonment for not less  
11 than six months or more than one year, or both.

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

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

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

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

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

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

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

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

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

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

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

28 (i) the performance of plumbing services; or

29 (ii) securing licensure.

30 (5) The board shall not issue a license to an individual

1 who has been convicted of a felonious act prohibited by the  
2 act of April 14, 1972 (P.L.233, No.64), known as The  
3 Controlled Substance, Drug, Device and Cosmetic Act, or  
4 convicted of a felony relating to a controlled substance in a  
5 court of law of the United States or any other state,  
6 territory or country unless:

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

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

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

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

26 (7) (Reserved).

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

1 plumbing codes.

2 (9) (Reserved).

3 (10) (Reserved).

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

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

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

14 (1) Deny the application for a license.

15 (2) Administer a public reprimand.

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

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

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

24 Section 704. Suspensions and revocations.

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

1 administrative law and procedure). The board, by majority action  
2 and in accordance with its regulations, may reissue a license  
3 which has been suspended. If a license has been revoked, the  
4 board shall reissue a license only in accordance with section  
5 706.

6 Section 705. Temporary and automatic suspensions.

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

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

14 Section 706. Reinstatement of license.

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

21 Section 707. Surrender of suspended or revoked license.

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

26 Section 708. Injunction.

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

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

7 Section 709. Subpoenas and oaths.

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

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

30

CHAPTER 21

MISCELLANEOUS PROVISIONS

Section 2101. Municipalities.

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

Licensure under this act shall be acceptable to a municipality or public entity in this Commonwealth, except as to a county of the first or second class, as proof of competence to perform plumbing services, and no municipality, other than a county of the first or second class, may require an individual licensed under this act to obtain an additional license to perform plumbing services.

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

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

(2) Levying lawful taxes and fees.

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

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

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



1 propane-related systems or appliances which differs or conflicts  
2 with sections 15 and 16 of the act of June 19, 2002 (P.L.421,  
3 No.61), known as the Propane and Liquefied Petroleum Gas Act.  
4 Section 2102. Appropriation.

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

12 Section 2103. Regulations.

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

16 Section 2104. Effective date.

17 This act shall take effect as follows:

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