

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 703 Session of 2015

INTRODUCED BY McGARRIGLE, BOSCOLA, SCHWANK, TEPLITZ, LEACH, YUDICHAK, WILLIAMS, SMITH, TARTAGLIONE, HUGHES AND McILHINNEY, APRIL 7, 2015

SENATOR BAKER, LABOR AND INDUSTRY, AS AMENDED, MARCH 22, 2016

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; establishing the Plumbing
6 Contractors Licensure Account; and making an appropriation.

TABLE OF CONTENTS

8 Chapter 1. Preliminary Provisions

9 Section 101. Short title.

10 Section 102. Definitions.

11 Chapter 3. Board

12 Section 301. State Board of Plumbing Contractors.

13 Section 302. Powers and duties of board.

14 Chapter 5. Licensure

15 Section 501. Licensure.

16 Section 502. Qualifications.

17 Section 503. Continuing education.

18 Section 504. Plumbing contractors in other states.

19 Section 505. Duration of license.

1 Section 506. Reporting of multiple licensure.
2 Section 507. Prohibition.
3 Chapter 7. Administration and Enforcement
4 Section 701. Fees, fines and civil penalties.
5 Section 702. Violations.
6 Section 703. Refusal, suspension or revocation of license.
7 Section 704. Suspensions and revocations.
8 Section 705. Temporary and automatic suspensions.
9 Section 706. Reinstatement of license.
10 Section 707. Surrender of suspended or revoked license.
11 Section 708. Injunction.
12 Section 709. Subpoenas and oaths.
13 Chapter 9. Miscellaneous Provisions
14 Section 901. Municipalities.
15 Section 902. Appropriation.
16 Section 903. Regulations.
17 Section 904. Effective date.

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 "PLUMBING SERVICES." THE INSTALLATION, MAINTENANCE, <--
19 EXTENSION AND ALTERATION OF ALL PIPING, FIXTURES, VENTING
20 SYSTEMS, PLUMBING APPLIANCES AND PLUMBING APPURTENANCES, WITHIN
21 OR ADJACENT TO A STRUCTURE, IN CONNECTION WITH:

- 22 (1) SANITARY DRAINAGE OR STORM DRAINAGE FACILITIES; OR
23 (2) PUBLIC OR PRIVATE WATER SUPPLY SYSTEMS.

24 CHAPTER 3

25 BOARD

26 Section 301. State Board of Plumbing Contractors.

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

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

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

1 (2) Two public members.

2 (3) Six professional members. Professional members shall
3 have been actively engaged in providing plumbing services in
4 this Commonwealth for at least 10 years immediately preceding
5 appointment. Two professional members shall reside in and be
6 licensed as a plumber by a county of the first class. One
7 shall be a signatory and one shall be a nonsignatory. Two
8 professional members shall reside in and be licensed as a
9 plumber by a county of the second class. One shall be a
10 signatory and one shall be a nonsignatory and the other two
11 shall reside in different counties of the third class. One
12 shall be a signatory and one shall be an nonsignatory. Except
13 as set forth in subsection (f), professional members must be
14 licensed under this act as master plumbers.

15 (c) Meeting.--The board shall meet within 30 days after the
16 appointment of its first members and shall set up operating
17 procedures and develop application forms for licensure. It shall
18 be the responsibility of the board to circulate the forms and
19 educate the public regarding the requirements of this act and
20 providing plumbing services in this Commonwealth.

21 (d) Term of membership.--Professional and public members
22 shall be appointed by the Governor with the advice and consent
23 of the Senate. Professional and public members shall be citizens
24 of the United States and residents of this Commonwealth. Except
25 as provided in subsection (e), professional and public members
26 shall serve a term of four years or until a successor has been
27 appointed and qualified but not longer than six months beyond
28 the four-year period. If a member dies or resigns or is
29 otherwise disqualified during the term of office, a successor
30 shall be appointed in the same way and with the same

1 qualifications and shall hold office for the remainder of the
2 unexpired term. A professional or public member may not hold
3 more than two consecutive terms.

4 (e) Appointments.--For professional and public members
5 initially appointed to the board under this act, the term of
6 office shall be as follows:

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

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

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

10 (f) Professional members and initial appointments.--A
11 professional member initially appointed to the board under this
12 act need not be licensed at the time of appointment but, at the
13 time of appointment, must have satisfied eligibility
14 requirements for licensure as provided in this act.

15 (g) Quorum.--A majority of the members of the board shall
16 constitute a quorum. Except for temporary and automatic
17 suspensions under section 705, a member may not be counted as
18 part of a quorum or vote on an issue unless the member is
19 physically in attendance at the meeting.

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

22 (i) Expenses.--With the exception of the secretary, a member
23 of the board shall receive \$60 per diem when attending to the
24 work of the board. A member shall also receive the amount of
25 reasonable traveling, hotel and other necessary expenses
26 incurred in the performance of the member's duties in accordance
27 with Commonwealth regulations.

28 (j) Forfeiture.--A professional or public member who fails
29 to attend three consecutive meetings shall forfeit the member's
30 seat unless the secretary, upon written request from the member,

1 finds that the member should be excused from a meeting because
2 of illness or the death of a family member.

3 (k) Frequency of meetings.--The board shall meet at least
4 four times a year in the City of Harrisburg and at additional
5 times as may be necessary to conduct the business of the board.

6 Section 302. Powers and duties of board.

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

9 (1) To provide for and regulate, AS PROVIDED FOR IN THIS <--
10 ACT, the licensing of individuals engaged in providing
11 plumbing services.

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

14 (3) To administer and enforce the provisions of this
15 act.

16 (4) To approve professional testing organizations to
17 administer tests to qualified applicants for licensure as
18 provided in this act. Written, oral or practical examinations
19 shall be prepared and administered by a qualified and
20 approved professional testing organization approved by the
21 board.

22 (5) To investigate applications for licensure and to
23 determine the eligibility of an individual applying for
24 licensure under this act.

25 (6) To promulgate and enforce regulations, not
26 inconsistent with this act, as necessary only to carry into
27 effect the provisions of this act. This paragraph includes
28 the setting of fees. Regulations shall be adopted in
29 conformity with the provisions of the act of July 31, 1968

30 (P.L.769, No.240), referred to as the Commonwealth Documents

1 Law, and the act of June 25, 1982 (P.L.633, No.181), known as
2 the Regulatory Review Act.

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

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

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

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

25 (11) To submit annually to the Appropriations Committee
26 of the Senate and the Appropriations Committee of the House
27 of Representatives, 15 days after the Governor has submitted
28 a budget to the General Assembly, a copy of the budget
29 request for the upcoming fiscal year which the board
30 previously submitted to the department.

1 CHAPTER 5

2 LICENSURE

3 Section 501. Licensure.

4 (a) Prohibition.--An individual may not hold himself out as
5 an apprentice plumber, journeyman plumber or master plumber
6 unless licensed by the board.

7 (b) Business entities.--An individual, corporation,
8 partnership, firm or other entity may not use the term "licensed
9 plumbing contractor" in connection with the entity unless at
10 least one employee or the owner of the entity is licensed as a
11 master plumber in accordance with this act.

12 (c) Title.--An individual who holds a license as a master
13 plumber or is maintained on inactive status pursuant to section
14 505(b) shall have the right to use the title "licensed plumbing
15 contractor" and the abbreviation "L.P.C." No other individual
16 shall use the title "licensed plumbing contractor" or the
17 abbreviation "L.P.C."

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

24 (e) Additional licensure requirements.--This act does not
25 prohibit first or second class counties from imposing plumbing
26 licensure requirements in addition to the provisions of this
27 act.

28 Section 502. Qualifications.

29 (a) Master plumber.--To be eligible to apply for licensure
30 as a master plumber, an applicant must fulfill the following

1 requirements:

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

3 (2) Submit proof satisfactory to the board that the
4 applicant has provided plumbing services for not less than
5 five years prior to application. Of the MINIMUM five years' <--
6 ~~experience,~~ EXPERIENCE REQUIRED, NOT LESS THAN five years <--
7 shall have been as a master plumber or NOT LESS THAN one year <--
8 shall have been as a journeyman plumber and NOT LESS THAN <--
9 four years shall have been as an apprentice plumber. In lieu
10 of the MINIMUM five years' experience provided in this <--
11 paragraph, an applicant may submit proof of the applicant's
12 experience satisfactory to the board that the individual has
13 sufficient training and experience to sit for the
14 examination.

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

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

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

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

22 (1) Be of good moral character.

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

24 (3) Submit proof satisfactory to the board that the
25 ~~applicant has provided plumbing services for not less than~~ <--
26 ~~four years as a journeyman or an apprentice plumber or has~~
27 ~~served 8,000 hours as an apprentice plumber and has~~
28 ~~satisfactorily completed at least 576 hours of related~~
29 ~~technical education at an accredited school.~~ APPLICANT HAS: <--

30 (I) PROVIDED PLUMBING SERVICES FOR NOT LESS THAN

1 FOUR YEARS AS A JOURNEYMAN OR AN APPRENTICE PLUMBER OR
2 HAS SERVED NOT LESS THAN 8,000 HOURS AS AN APPRENTICE
3 PLUMBER;

4 (II) HAS SATISFACTORILY COMPLETED NOT LESS THAN 576
5 HOURS OF RELATED TECHNICAL EDUCATION AT AN ACCREDITED
6 SCHOOL; OR

7 (III) HAS SATISFACTORILY MET THE FEDERAL STANDARDS
8 OF APPRENTICESHIP AS DEFINED IN 29 C.F.R. § 29.5
9 (RELATING TO STANDARDS OF APPRENTICESHIP).

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

27 ~~(3) Pay the fee set by the board.~~ <--

28 (e) Renewal of license of apprentice plumber.--In the case
29 of an apprentice plumber applying for renewal of a license where
30 registration under ~~subsection (d) (2)~~ THE REGISTERED <--

1 APPRENTICESHIP PARTNERSHIP INFORMATION DATA SYSTEM (RAPIDS) has
2 expired or otherwise lapsed before the biennial renewal cycle
3 will expire, the apprentice plumber shall submit evidence
4 satisfactory to the board that the apprentice plumber has
5 renewed registration to the board. Failure to notify the board
6 within 30 days that registration has expired or otherwise lapsed
7 shall subject the apprentice plumber to disciplinary action. In
8 the case of an apprentice plumber whose registration has expired
9 or otherwise lapsed, the license shall be immediately placed in
10 inactive status by the board. The board shall promulgate
11 regulations in order to carry out the provisions of this
12 subsection, including regulations setting forth the evidence
13 necessary to demonstrate 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 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 of the first or second class or
5 a county or city of the third class, as appropriate to
6 working as a licensee in those specific counties or
7 cities.

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

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

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

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

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

30 (2) The individual satisfactorily demonstrates to the

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

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

12 Section 503. Continuing education.

13 (a) Regulations.--The board shall adopt, promulgate and
14 enforce rules and regulations consistent with the provisions of
15 this act establishing continuing education to be met by
16 individuals licensed as master plumbers and journeyman plumbers.
17 Regulations shall include any fees necessary for the board to
18 carry out its responsibilities under this section. The board may
19 waive all or part of the continuing education requirement for a
20 master plumber or a journeyman plumber who shows evidence
21 satisfactory to the board that the individual was unable to
22 complete the requirement due to illness, emergency, military
23 service or other hardship. All courses, materials, locations and
24 instructors shall be approved by the board. A credit may not be
25 given for a course in office management or practice building.

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

1 renewal.

2 Section 504. Plumbing contractors in other states.

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

8 (1) The individual meets the requirements as to
9 character and age.

10 (2) The individual pays the required fee.

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

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

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

25 (c) Counties of the first or second class.--An individual
26 applying for a license as a master plumber or journeyman plumber
27 under subsection (a) who provides or will provide plumbing
28 services in either a county of the first class or a county of
29 the second class shall further be subject to any licensure
30 requirement of the respective county.

1 Section 505. Duration of license.

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

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

28 Section 506. Reporting of multiple licensure.

29 A licensee who is also licensed to perform plumbing services
30 in any other state, municipality, territory or possession of the

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

11 Section 507. Prohibition.

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

20 CHAPTER 7

21 ADMINISTRATION AND ENFORCEMENT

22 Section 701. Fees, fines and civil penalties.

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

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

8 (c) Account.--A restricted account is hereby established in
9 the General Fund which shall be known as the Plumbing
10 Contractors Licensure Account. Beginning July 1, 2015, and
11 thereafter, all moneys collected by the board shall be paid into
12 the Plumbing Contractors Licensure Account. Funds in this
13 account are hereby appropriated upon approval of the Governor
14 for payment of the costs of processing licenses and renewals and
15 for other general costs of board operations.

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

20 Section 702. Violations.

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

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

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

9 (2) An individual or firm that holds himself or itself
10 out as an apprentice plumber, journeyman plumber, master
11 plumber or licensed plumbing contractor without being
12 properly licensed as provided in this act.

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

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

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

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

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

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

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

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

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

17 (i) the performance of plumbing services; or

18 (ii) securing licensure.

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

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

28 (ii) The individual satisfactorily demonstrates to
29 the board that he has made significant progress in
30 personal rehabilitation since the conviction such that

1 licensure of the individual should not be expected to
2 create a substantial risk of harm to the health and
3 safety of the public or a substantial risk of further
4 criminal violations.

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

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

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

20 (8) The licensee falsely advertised or made misleading,
21 deceptive, untrue or fraudulent material representations
22 regarding licensure or in the performance of plumbing
23 services.

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

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

30 (1) Deny the application for a license.

1 (2) Administer a public reprimand.

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

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

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

10 Section 704. Suspensions and revocations.

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

22 Section 705. Temporary and automatic suspensions.

23 (a) General rule.--A license issued under this act may be
24 temporarily suspended under circumstances determined by the
25 board to be an immediate and clear danger to public health or
26 safety or property. The board shall issue an order to that
27 effect without a hearing, but upon due notice, to the licensee
28 concerned at the licensee's last known address, which shall
29 include a written statement of all allegations against the
30 licensee. The provisions of section 704 shall not apply to

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

17 (b) Commitment of licensee.--A license issued under this act
18 shall automatically be suspended upon the legal commitment of a
19 licensee to an institution because of mental incompetency from
20 any cause upon filing with the board a certified copy of such
21 commitment, conviction of a felony under the act of April 14,
22 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
23 Device and Cosmetic Act, or conviction of an offense under the
24 laws of another jurisdiction, which, if committed in this
25 Commonwealth, would be a felony under The Controlled Substance,
26 Drug, Device and Cosmetic Act. Automatic suspension under this
27 subsection shall not be stayed pending an appeal of a
28 conviction. Restoration of the license shall be made as provided
29 in the case of revocation or suspension of a license.
30 Section 706. Reinstatement of license.

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

7 Section 707. Surrender of suspended or revoked license.

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

12 Section 708. Injunction.

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

23 Section 709. Subpoenas and oaths.

24 (a) Authority granted.--The board shall have the authority
25 to issue subpoenas, upon application of an attorney responsible
26 for representing the Commonwealth in disciplinary matters before
27 the board, for the purpose of investigating alleged violations
28 of the act or regulation of the board. The board shall have the
29 power to subpoena witnesses, to administer oaths, to examine
30 witnesses and to take such testimony or compel the production of

1 such books, records, papers and documents as it may deem
2 necessary or proper in and pertinent to any proceeding,
3 investigation or hearing held or had by it. The board is
4 authorized to apply to Commonwealth Court to enforce its
5 subpoenas. The court may impose limitations in the scope of the
6 subpoena as are necessary to prevent unnecessary intrusion into
7 client confidential information.

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

16 CHAPTER 9

17 MISCELLANEOUS PROVISIONS

18 Section 901. Municipalities.

19 (a) Municipal licenses not required and exceptions.--
20 Licensure under this act shall be acceptable to a municipality
21 or public entity in this Commonwealth, except as to a county of
22 the first or second class, as proof of competence to perform
23 plumbing services, and no municipality, other than a county of
24 the first or second class, may require an individual licensed
25 under this act to obtain an additional license to perform
26 plumbing services.

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

30 (1) Inspecting plumbing services or regulating the

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

4 (2) Levying lawful taxes and fees.

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

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

10 (c) Plumbing construction standards.--Nothing in this act
11 authorizes the board or a municipality to adopt plumbing
12 construction standards except within the relevant provisions of
13 the act of November 10, 1999 (P.L.491, No.45), known as the
14 Pennsylvania Construction Code Act. Nothing in this act
15 authorizes the board or a municipality to adopt a standard or
16 regulation of propane, propane distributors or installation of
17 propane-related systems or appliances which differs or conflicts
18 with sections 15 and 16 of the act of June 19, 2002 (P.L.421,
19 No.61), known as the Propane and Liquefied Petroleum Gas Act.
20 Section 902. Appropriation.

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

28 Section 903. Regulations.

29 Within 18 months of the effective date of this section, the
30 board shall begin to promulgate regulations to carry out this

1 act.

2 Section 904. Effective date.

3 This act shall take effect as follows:

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

5 (2) This section shall take effect immediately.

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