

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 442 Session of 2017

INTRODUCED BY CHRISTIANA, FARRY, SANTORA, MUSTIO, DUNBAR, COX, CHARLTON, READSHAW, DOWLING, ZIMMERMAN, IRVIN, KORTZ, BRIGGS AND McNEILL, FEBRUARY 10, 2017

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 7, 2017

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.

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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 "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.--The State Board of Plumbing Contractors
28 is established 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 and shall be comprised as follows:

6 (i) Two professional members shall reside in and be
7 licensed as plumbers by a county of the first class. One
8 shall be a signatory and one shall be a nonsignatory.

9 (ii) Two professional members shall reside in and be
10 licensed as plumbers by a county of the second class. One
11 shall be a signatory and one shall be a nonsignatory.

12 (iii) Two shall reside in different counties of the
13 third class. One shall be a signatory and one shall be a
14 nonsignatory.

15 (iv) Except as set forth in subsection (f),
16 professional members must be licensed under this act as
17 master plumbers.

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

24 (d) Term of membership.--Professional and public members
25 shall be appointed by the Governor with the advice and consent
26 of the Senate. Professional and public members shall be citizens
27 of the United States and residents of this Commonwealth. Except
28 as provided in subsection (e), professional and public members
29 shall serve a term of four years or until a successor has been
30 appointed and qualified but not longer than six months beyond

1 the four-year period. If a member dies or resigns or is
2 otherwise disqualified during the term of office, a successor
3 shall be appointed in the same way and with the same
4 qualifications and shall hold office for the remainder of the
5 unexpired term. A professional or public member may not hold
6 more than two consecutive terms.

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

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

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

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

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

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

23 (h) Chairperson.--The board shall select annually a
24 chairperson from among its members.

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

1 (j) Forfeiture.--A professional or public member who fails
2 to attend three consecutive meetings shall forfeit the member's
3 seat unless the Secretary of Labor and Industry, upon written
4 request from the member, finds that the member should be excused
5 from a meeting because of illness or the death of a family
6 member.

7 (k) Frequency of meetings.--The board shall meet at least
8 four times a year in the City of Harrisburg and at additional
9 times as may be necessary to conduct the business of the board.
10 Section 302. Powers and duties of board.

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

13 (1) To provide for and regulate, as provided for in this
14 act, the licensing of individuals engaged in providing
15 plumbing services WHO HOLD THEMSELVES OUT AS MASTER PLUMBERS, <--
16 JOURNEYMAN PLUMBERS, APPRENTICE PLUMBERS OR LICENSED PLUMBING
17 CONTRACTORS.

18 (2) To issue, renew, reinstate, decline to renew,
19 suspend and revoke licenses as provided for in this act.

20 (3) To administer and enforce the provisions of this
21 act.

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

28 (5) To investigate applications for licensure and to
29 determine the eligibility of an individual applying for
30 licensure under this act.

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

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

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

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

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

1 (11) To submit annually to the Appropriations Committee
2 of the Senate and the Appropriations Committee of the House
3 of Representatives, 15 days after the Governor has submitted
4 a budget to the General Assembly, a copy of the budget
5 request for the upcoming fiscal year that the board
6 previously submitted to the department.

7 (b) No active solicitation municipalities.--

8 (1) It shall not be the mission of the board to actively
9 solicit a municipality or other public entity to require a
10 plumbing license for those performing plumbing services
11 within their jurisdiction.

12 (2) Nothing in this subsection shall be construed to
13 prevent the board or a board member from providing
14 information to, or otherwise educating, a member of the
15 public or a municipality or other public entity about this
16 act, plumbing or plumbing licensure, nor from providing
17 advice regarding this act, plumbing or plumbing licensure.

18 CHAPTER 5

19 LICENSURE

20 Section 501. Licensure.

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

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

29 (c) Title.--An individual who holds a license as a master
30 plumber or is maintained on inactive status under section 505(b)

1 shall have the right to use the title "licensed plumbing
2 contractor" and the abbreviation "L.P.C." No other individual
3 shall use the title "licensed plumbing contractor" or the
4 abbreviation "L.P.C."

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

11 (e) Additional licensure requirements.--This act does not
12 prohibit first or second class counties from imposing plumbing
13 licensure requirements in addition to the provisions of this
14 act.

15 Section 502. Qualifications.

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

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

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

- 1 (3) Pay the fee set by the board.
- 2 (4) Pass the examination provided by the board.
- 3 (5) Provide a current certificate of liability insurance
4 in the amount of \$500,000. IF THE APPLICANT IS AN EMPLOYEE OF <--
5 A MASTER PLUMBER OR A LICENSED PLUMBING CONTRACTOR WHO
6 MAINTAINS THE REQUIRED LEVEL OF LIABILITY INSURANCE, THE
7 APPLICANT IS NOT REQUIRED TO HAVE INDIVIDUAL LIABILITY
8 INSURANCE COVERAGE.

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

- 12 (1) Be of good moral character.
- 13 (2) Be at least 18 years of age.
- 14 (3) Submit proof satisfactory to the board that the
15 applicant has:
- 16 (i) provided plumbing services for not less than
17 four years as a journeyman or an apprentice plumber or
18 has served not less than 8,000 hours as an apprentice
19 plumber;
- 20 (ii) has satisfactorily completed not less than 576
21 hours of related technical education at an accredited
22 school; or
- 23 (iii) has satisfactorily met the Federal standards
24 of apprenticeship as defined in 29 C.F.R. § 29.5
25 (relating to standards of apprenticeship).
- 26 (4) Pay the fee set by the board.
- 27 (5) Pass the examination provided by the board.

28 (c) Additional requirement.--In addition to passing the
29 examination set forth in subsection (a) (4) or (b) (5), an
30 individual applying for licensure as a master plumber or a

1 journeyman plumber who provides or will provide plumbing
2 services in either a first class county or a second class county
3 must pass an examination on the plumbing code of the first class
4 county or the second class county, as appropriate.

5 (d) Apprentice plumber.--To be eligible for licensure as an
6 apprentice plumber, an applicant shall fulfill the following
7 requirements:

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

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

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

29 (f) Waiver of examination.--Notwithstanding the provisions
30 of subsections (a) (4) and (b) (5), the board shall grant a

1 license to an individual applying to become either a master
2 plumber or a journeyman plumber without examination if the
3 individual meets all of the following requirements:

4 (1) The individual applies within 24 months of the
5 effective date of this section.

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

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

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

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

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

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

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

1 (ii) Successful completion of a test administered by
2 the respective county of the first or second class or a
3 county or city of the third class, as appropriate to
4 working as a licensee in those specific counties or
5 cities.

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

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

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

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

27 Section 503. Continuing education.

28 (a) Regulations.--The board shall adopt, promulgate and
29 enforce rules and regulations consistent with the provisions of
30 this act establishing continuing education to be met by

1 individuals licensed as master plumbers and journeyman plumbers.
2 Regulations shall include any fees necessary for the board to
3 carry out its responsibilities under this section. The board may
4 waive all or part of the continuing education requirement for a
5 master plumber or a journeyman plumber who shows evidence
6 satisfactory to the board that the individual was unable to
7 complete the requirement due to illness, emergency, military
8 service or other hardship. All courses, materials, locations and
9 instructors shall be approved by the board. A credit may not be
10 given for a course in office management or practice building.

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

17 Section 504. Plumbing contractors in other states.

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

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

25 (2) The individual pays the required fee.

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

30 (4) The individual provides evidence satisfactory to the

1 board that the individual has passed an examination in
2 another jurisdiction demonstrating knowledge of a plumbing
3 code.

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

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

16 Section 505. Duration of license.

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

28 (b) Inactive status.--An individual licensed under this act
29 may request an application for inactive status. The application
30 form may be completed and returned to the board. Upon receipt of

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

13 Section 506. Reporting of multiple licensure.

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

26 Section 507. Prohibition.

27 This act shall not prohibit the installation, modification or
28 replacement of propane-related systems or appliances by the
29 owner, principal or employee of a propane distributor if the
30 propane distributor is registered with the department under the

1 act of June 19, 2002 (P.L.421, No.61), known as the Propane and
2 Liquefied Petroleum Gas Act, and with the Attorney General under
3 the act of October 17, 2008 (P.L.1645, No.132), known as the
4 Home Improvement Consumer Protection Act.

5 CHAPTER 7

6 ADMINISTRATION AND ENFORCEMENT

7 Section 701. Fees, fines and civil penalties.

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

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

23 (c) Account.--A restricted account is established in the
24 General Fund that shall be known as the Plumbing Contractors
25 Licensure Account. Beginning July 1, 2017, and thereafter, all
26 money collected by the board shall be paid into the Plumbing
27 Contractors Licensure Account. Funds in this account are hereby
28 appropriated upon approval of the Governor for payment of the
29 costs of processing licenses and renewals and for other general
30 costs of board operations.

1 (d) Renewal fee.--The board may charge a fee, as set by the
2 board by regulation, for licensure, for renewing licensure and
3 for other administrative actions by the board as permitted by
4 this act or by regulation.

5 Section 702. Violations.

6 (a) Criminal penalty.--An individual or the responsible
7 officers or employees of a corporation, partnership, firm or
8 other entity violating a provision of this act or a regulation
9 of the board commits a misdemeanor and shall, upon conviction,
10 be sentenced to pay a fine of not more than \$1,000 or to
11 imprisonment for not more than six months for the first
12 violation. For the second and each subsequent conviction, the
13 person shall be sentenced to pay a fine of not more than \$2,000
14 or to imprisonment for not less than six months nor more than
15 one year, or both.

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

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

24 (2) An individual or firm that identifies as an
25 apprentice plumber, journeyman plumber, master plumber or
26 licensed plumbing contractor without being properly licensed
27 as provided in this act.

28 (3) The responsible officers or employees of a
29 corporation, partnership, firm or other entity violating a
30 provision of this act.

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

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

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

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

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

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

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

2 (i) the performance of plumbing services; or

3 (ii) securing licensure.

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

11 (i) At least five years have elapsed from the date
12 of conviction.

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

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

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

30 (7) With respect to a master plumber, the master plumber

1 failed to properly direct and supervise a journeyman plumber
2 or apprentice plumber. This paragraph includes failure to
3 ensure compliance with safety standards and applicable
4 plumbing codes.

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

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

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

15 (1) Deny the application for a license.

16 (2) Administer a public reprimand.

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

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

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

25 Section 704. Suspensions and revocations.

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

1 accordance with the provisions of 2 Pa.C.S. (relating to
2 administrative law and procedure). The board, by majority action
3 and in accordance with its regulations, may reissue a license
4 which has been suspended. If a license has been revoked, the
5 board shall reissue a license only in accordance with section
6 706.

7 Section 705. Temporary and automatic suspensions.

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

1 180 days.

2 (b) Commitment of licensee.--A license issued under this act
3 shall automatically be suspended upon the legal commitment of a
4 licensee to an institution because of mental incompetency from
5 any cause upon filing with the board a certified copy of the
6 commitment, conviction of a felony under the act of April 14,
7 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
8 Device and Cosmetic Act, or conviction of an offense under the
9 laws of another jurisdiction, that, if committed in this
10 Commonwealth, would be a felony under The Controlled Substance,
11 Drug, Device and Cosmetic Act. Automatic suspension under this
12 subsection shall not be stayed pending an appeal of a
13 conviction. Restoration of the license shall be made as provided
14 in the case of revocation or suspension of a license.
15 Section 706. Reinstatement of license.

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

22 Section 707. Surrender of suspended or revoked license.

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

28 Section 708. Injunction.

29 Whenever, in the judgment of the board, a person has engaged
30 in an act or practice that constitutes or will constitute a

1 violation of this act, the board or its agents may make
2 application to the appropriate court for an order enjoining the
3 act or practice. Based on a showing by the board that the person
4 has engaged or is about to engage in a prohibited act or
5 practice, an injunction, restraining order or other order, as
6 may be appropriate, may be granted by the court. The remedy by
7 injunction is in addition to any other civil or criminal
8 penalty.

9 Section 709. Subpoenas and oaths.

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

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

1 been resolved in a timely manner.

2 CHAPTER 9

3 MISCELLANEOUS PROVISIONS

4 Section 901. Municipalities.

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

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

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

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

20 (2) Levying lawful taxes and fees.

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

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

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

1 authorizes the board or a municipality to adopt a standard or
2 regulation of propane, propane distributors or installation of
3 propane-related systems or appliances which differs or conflicts
4 with sections 15 and 16 of the act of June 19, 2002 (P.L.421,
5 No.61), known as the Propane and Liquefied Petroleum Gas Act.
6 Section 902. Appropriation.

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

14 Section 903. Regulations.

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

18 Section 904. Effective date.

19 This act shall take effect as follows:

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

21 (2) This section shall take effect immediately.

22 (3) The remainder of this act shall take effect in 60
23 days.