

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

No. **183** Session of  
2017

INTRODUCED BY MCGARRIGLE, YUDICHAK AND BROWNE, JANUARY 25, 2017

SENATOR WARD, LABOR AND INDUSTRY, AS AMENDED, JUNE 6, 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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17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

19 CHAPTER 1

20 PRELIMINARY PROVISIONS

21 Section 101. Short title.

22 This act shall be known and may be cited as the Plumbing  
23 Contractors Licensure Act.

24 Section 102. Definitions.

25 The following words and phrases when used in this act shall  
26 have the meanings given to them in this section unless the  
27 context clearly indicates otherwise:

28 "Apprentice plumber." An individual who is registered as an  
29 apprentice under the act of July 14, 1961 (P.L.604, No.304),  
30 known as The Apprenticeship and Training Act, and who is

1 licensed by the State Board of Plumbing Contractors as an  
2 individual whose principle occupation is learning and assisting  
3 in the performance of plumbing services.

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

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

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

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

12 "Master plumber" or "licensed plumbing contractor." An  
13 individual who has been licensed by the State Board of Plumbing  
14 Contractors and who is authorized to perform plumbing services  
15 and to supervise plumbing services provided by an apprentice  
16 plumber or a journeyman plumber.

17 "Plumbing services." The installation, maintenance,  
18 extension and alteration of all piping, fixtures, venting  
19 systems, plumbing appliances and plumbing appurtenances, within  
20 or adjacent to a structure, in connection with:

- 21 (1) sanitary drainage or storm drainage facilities; or  
22 (2) public or private water supply systems.

23 CHAPTER 3

24 BOARD

25 Section 301. State Board of Plumbing Contractors.

26 (a) Establishment.--The State Board of Plumbing Contractors  
27 is established within the department.

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

- 29 (1) The Secretary of Labor and Industry or a designee.  
30 (2) Two public members.

1           (3) Six professional members. Professional members shall  
2 have been actively engaged in providing plumbing services in  
3 this Commonwealth for at least 10 years immediately preceding  
4 appointment and shall be comprised as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (j) Forfeiture.--A professional or public member who fails

1 to attend three consecutive meetings shall forfeit the member's  
2 seat unless the Secretary of Labor and Industry, upon written  
3 request from the member, finds that the member should be excused  
4 from a meeting because of illness or the death of a family  
5 member.

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

9 Section 302. Powers and duties of board.

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

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

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

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

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

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

30 (6) To promulgate and enforce regulations, not

1 inconsistent with this act, as necessary only to carry into  
2 effect the provisions of this act. This paragraph includes  
3 the setting of fees. Regulations shall be adopted in  
4 conformity with the provisions of the act of July 31, 1968  
5 (P.L.769, No.240), referred to as the Commonwealth Documents  
6 Law, and the act of June 25, 1982 (P.L.633, No.181), known as  
7 the Regulatory Review Act.

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

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

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

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

30 (11) To submit annually to the Appropriations Committee

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

6 (b) No active solicitation municipalities.--

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

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

17 CHAPTER 5

18 LICENSURE

19 Section 501. Licensure.

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

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

28 (c) Title.--An individual who holds a license as a master  
29 plumber or is maintained on inactive status under section 505(b)  
30 shall have the right to use the title "licensed plumbing



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

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

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

14 Section 502. Qualifications.

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

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

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

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

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

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

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

11 (1) Be of good moral character.

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

13 (3) Submit proof satisfactory to the board that the  
14 applicant has:

15 (i) provided plumbing services for not less than  
16 four years as a journeyman or an apprentice plumber or  
17 has served not less than 8,000 hours as an apprentice  
18 plumber;

19 (ii) has satisfactorily completed not less than 576  
20 hours of related technical education at an accredited  
21 school; or

22 (iii) has satisfactorily met the Federal standards  
23 of apprenticeship as defined in 29 C.F.R. § 29.5  
24 (relating to standards of apprenticeship).

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

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

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

1 services in either a first class county or a second class county  
2 must pass an examination on the plumbing code of the first class  
3 county or the second class county, as appropriate.

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

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

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

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

28 (f) Waiver of examination.--Notwithstanding the provisions  
29 of subsections (a) (4) and (b) (5), the board shall grant a  
30 license to an individual applying to become either a master

1 plumber or a journeyman plumber without examination if the  
2 individual meets all of the following requirements:

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

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

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

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

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

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

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

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

30 (ii) Successful completion of a test administered by

1 the respective county of the first or second class or a  
2 county or city of the third class, as appropriate to  
3 working as a licensee in those specific counties or  
4 cities.

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

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

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

20 (3) 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 evidence to  
25 the contrary.

26 Section 503. Continuing education.

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

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

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

16 Section 504. Plumbing contractors in other states.

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

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

24 (2) The individual pays the required fee.

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

29 (4) The individual provides evidence satisfactory to the  
30 board that the individual has passed an examination in

1 another jurisdiction demonstrating knowledge of a plumbing  
2 code.

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

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

15 Section 505. Duration of license.

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

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

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

12 Section 506. Reporting of multiple licensure.

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

25 Section 507. Prohibition.

26 This act shall not prohibit the installation, modification or  
27 replacement of propane-related systems or appliances by the  
28 owner, principal or employee of a propane distributor if the  
29 propane distributor is registered with the department under the  
30 act of June 19, 2002 (P.L.421, No.61), known as the Propane and



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

4 CHAPTER 7

5 ADMINISTRATION AND ENFORCEMENT

6 Section 701. Fees, fines and civil penalties.

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

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

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

30 (d) Renewal fee.--The board may charge a fee, as set by the

1 board by regulation, for licensure, for renewing licensure and  
2 for other administrative actions by the board as permitted by  
3 this act or by regulation.

4 Section 702. Violations.

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

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

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

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

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

30 (c) Procedure.--The board shall levy the civil penalty set

1 forth in subsection (b) only after affording the accused the  
2 opportunity for a hearing as provided in 2 Pa.C.S. (relating to  
3 administrative law and procedure).

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

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

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

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

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

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

1 (i) the performance of plumbing services; or

2 (ii) securing licensure.

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

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

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

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

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

29 (7) With respect to a master plumber, the master plumber  
30 failed to properly direct and supervise a journeyman plumber

1 or apprentice plumber. This paragraph includes failure to  
2 ensure compliance with safety standards and applicable  
3 plumbing codes.

4 (8) 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 (9) 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 under  
13 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 a disciplinary or corrective measure that  
23 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, that 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 the  
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, that, 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 from the Commonwealth Court, the board shall not  
17 reinstate the license of an individual whose license has been  
18 revoked. An individual whose license has been revoked may  
19 reapply for a license after a period of at least five years but  
20 must meet all of the 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 a manner that the  
24 board directs. Failure to do so, and upon conviction of failure  
25 to return the license, shall be a misdemeanor of the third  
26 degree.

27 Section 708. Injunction.

28 Whenever, in the judgment of the board, a person has engaged  
29 in an act or practice that constitutes or will constitute a  
30 violation of this act, the board or its agents may make

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

8 Section 709. Subpoenas and oaths.

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

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



1 CHAPTER 9

2 MISCELLANEOUS PROVISIONS

3 Section 901. Municipalities.

4 (a) Municipal licenses not required and exceptions.--  
5 Licensure under this act shall be acceptable to a municipality  
6 or public entity in this Commonwealth, except as to a county of  
7 the first or second class, as proof of competence to perform  
8 plumbing services, and no municipality, other than a county of  
9 the first or second class, may require an individual licensed  
10 under this act to obtain an additional license to perform  
11 plumbing services.

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

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

19 (2) Levying lawful taxes and fees.

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

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

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

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

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

13 Section 903. Regulations.

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

17 Section 904. Effective date.

18 This act shall take effect as follows:

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