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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 703 Session of  
2015

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

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REFERRED TO LABOR AND INDUSTRY, APRIL 7, 2015

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AN ACT

1 Providing for plumbing contractors licensure; establishing the  
2 State Board of Plumbing Contractors and providing for its  
3 powers and duties; conferring powers and imposing duties on  
4 the Department of Labor and Industry; establishing fees,  
5 fines and civil penalties; 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 CHAPTER 3

19 BOARD

20 Section 301. State Board of Plumbing Contractors.

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

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

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

25 (2) Two public members.

26 (3) Six professional members. Professional members shall  
27 have been actively engaged in providing plumbing services in  
28 this Commonwealth for at least 10 years immediately preceding  
29 appointment. Two professional members shall reside in and be  
30 licensed as a plumber by a county of the first class. One

1 shall be a signatory and one shall be a nonsignatory. Two  
2 professional members shall reside in and be licensed as a  
3 plumber by a county of the second class. One shall be a  
4 signatory and one shall be a nonsignatory and the other two  
5 shall reside in different counties of the third class. One  
6 shall be a signatory and one shall be an nonsignatory. Except  
7 as set forth in subsection (f), professional members must be  
8 licensed under this act as master plumbers.

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

15 (d) Term of membership.--Professional and public members  
16 shall be appointed by the Governor with the advice and consent  
17 of the Senate. Professional and public members shall be citizens  
18 of the United States and residents of this Commonwealth. Except  
19 as provided in subsection (e), professional and public members  
20 shall serve a term of four years or until a successor has been  
21 appointed and qualified but not longer than six months beyond  
22 the four-year period. If a member dies or resigns or is  
23 otherwise disqualified during the term of office, a successor  
24 shall be appointed in the same way and with the same  
25 qualifications and shall hold office for the remainder of the  
26 unexpired term. A professional or public member may not hold  
27 more than two consecutive terms.

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (3) To administer and enforce the provisions of this  
8 act.

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

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

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

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

27 (8) To keep and maintain a registry of individuals  
28 licensed by the board. The board shall provide access to the  
29 registry to the public, including making the registry  
30 available on a publicly accessible Internet website. The

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

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

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

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

## 24 CHAPTER 5

### 25 LICENSURE

#### 26 Section 501. Licensure.

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

30 (b) Business entities.--An individual, corporation,

1 partnership, firm or other entity may not use the term "licensed  
2 plumbing contractor" in connection with the entity unless at  
3 least one employee or the owner of the entity is licensed as a  
4 master plumber in accordance with this act.

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

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

17 (e) Additional licensure requirements.--This act does not  
18 prohibit first or second class counties from imposing plumbing  
19 licensure requirements in addition to the provisions of this  
20 act.

21 Section 502. Qualifications.

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

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

26 (2) Submit proof satisfactory to the board that the  
27 applicant has provided plumbing services for not less than  
28 five years prior to application. Of the five years'  
29 experience, five years shall have been as a master plumber or  
30 one year shall have been as a journeyman plumber and four

1 years shall have been as an apprentice plumber. In lieu of  
2 the five years' experience provided in this paragraph, an  
3 applicant may submit proof of the applicant's experience  
4 satisfactory to the board that the individual has sufficient  
5 training and experience to sit for the examination.

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

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

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

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

13 (1) Be of good moral character.

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

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

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

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

23 (c) Additional requirement.--In addition to passing the  
24 examination set forth in subsection (a) (4) or (b) (5), an  
25 individual applying for licensure as a master plumber or a  
26 journeyman plumber who provides or will provide plumbing  
27 services in either a first class county or a second class county  
28 must pass an examination on the plumbing code of the first class  
29 county or the second class county, as appropriate.

30 (d) Apprentice plumber.--To be eligible for licensure as an

1 apprentice plumber, an applicant shall fulfill the following  
2 requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

26           (ii) Successful completion of a test administered by  
27 the respective county of the first or second class or a  
28 county or city of the third class, as appropriate to  
29 working as a licensee in those specific counties or  
30 cities.

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

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

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

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

22 Section 503. Continuing education.

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

1 satisfactory to the board that the individual was unable to  
2 complete the requirement due to illness, emergency, military  
3 service or other hardship. All courses, materials, locations and  
4 instructors shall be approved by the board. A credit may not be  
5 given for a course in office management or practice building.

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

12 Section 504. Plumbing contractors in other states.

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

18 (1) The individual meets the requirements as to  
19 character and age.

20 (2) The individual pays the required fee.

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

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

29 (b) Requirement.--For an individual to be eligible to apply  
30 for a license as a master plumber or a journeyman plumber under

1 subsection (a), the other state, territory or possession of the  
2 United States must provide an opportunity for reciprocal  
3 licensure which is substantially similar to the opportunity  
4 provided by the Commonwealth under this section.

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

11 Section 505. Duration of license.

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

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

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

8 Section 506. Reporting of multiple licensure.

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

21 Section 507. Prohibition.

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

30

CHAPTER 7

ADMINISTRATION AND ENFORCEMENT

Section 701. Fees, fines and civil penalties.

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

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

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

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

Section 702. Violations.

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

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

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

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

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

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

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

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

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

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

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

26 (4) The licensee has committed fraud or deceit in:  
27 (i) the performance of plumbing services; or  
28 (ii) securing licensure.

29 (5) The board shall not issue a license to an individual  
30 who has been convicted of a felonious act prohibited by the

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

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

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

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

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

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

30 (8) The licensee falsely advertised or made misleading,

1       deceptive, untrue or fraudulent material representations  
2       regarding licensure or in the performance of plumbing  
3       services.

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

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

10           (1) Deny the application for a license.

11           (2) Administer a public reprimand.

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

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

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

20       Section 704. Suspensions and revocations.

21       A suspension or revocation shall be made only in accordance  
22       with the regulations of the board and only by majority vote of  
23       the members of the board after a full and fair hearing. An  
24       action of the board shall be taken subject to the right of  
25       notice, hearing and adjudication, and the right of appeal, in  
26       accordance with the provisions of 2 Pa.C.S. (relating to  
27       administrative law and procedure). The board, by majority action  
28       and in accordance with its regulations, may reissue a license  
29       which has been suspended. If a license has been revoked, the  
30       board shall reissue a license only in accordance with section

1 706.

2 Section 705. Temporary and automatic suspensions.

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

27 (b) Commitment of licensee.--A license issued under this act  
28 shall automatically be suspended upon the legal commitment of a  
29 licensee to an institution because of mental incompetency from  
30 any cause upon filing with the board a certified copy of such

1 commitment, conviction of a felony under the act of April 14,  
2 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,  
3 Device and Cosmetic Act, or conviction of an offense under the  
4 laws of another jurisdiction, which, if committed in this  
5 Commonwealth, would be a felony under The Controlled Substance,  
6 Drug, Device and Cosmetic Act. Automatic suspension under this  
7 subsection shall not be stayed pending an appeal of a  
8 conviction. Restoration of the license shall be made as provided  
9 in the case of revocation or suspension of a license.

10 Section 706. Reinstatement of license.

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

17 Section 707. Surrender of suspended or revoked license.

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

22 Section 708. Injunction.

23 Whenever, in the judgment of the board, a person has engaged  
24 in an act or practice which constitutes or will constitute a  
25 violation of this act, the board or its agents may make  
26 application to the appropriate court for an order enjoining the  
27 act or practice. Upon a showing by the board that the person has  
28 engaged or is about to engage in such act or practice, an  
29 injunction, restraining order or such order, as may be  
30 appropriate, may be granted by the court. The remedy by

1 injunction is in addition to any other civil or criminal  
2 penalty.

3 Section 709. Subpoenas and oaths.

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

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

26 CHAPTER 9

27 MISCELLANEOUS PROVISIONS

28 Section 901. Municipalities.

29 (a) Municipal licenses not required and exceptions.--  
30 Licensure under this act shall be acceptable to a municipality

1 or public entity in this Commonwealth, except as to a county of  
2 the first or second class, as proof of competence to perform  
3 plumbing services, and no municipality, other than a county of  
4 the first or second class, may require an individual licensed  
5 under this act to obtain an additional license to perform  
6 plumbing services.

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

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

14 (2) Levying lawful taxes and fees.

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

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

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

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

8 Section 903. Regulations.

9       Within 18 months of the effective date of this section, the  
10 board shall begin to promulgate regulations to carry out this  
11 act.

12 Section 904. Effective date.

13       This act shall take effect as follows:

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

15           (2) This section shall take effect immediately.

16           (3) The remainder of this act shall take effect in 60  
17 days.