
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 395 Session of
2025

INTRODUCED BY FARRY, KANE, TARTAGLIONE, KEARNEY, BOSCOLA, SAVAL,
MILLER, SANTARSIERO, COMITTA AND CAPPELLETTI, MARCH 20, 2025

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 20, 2025

AN ACT

1 Providing for plumber and plumbing contractors licensure;
2 establishing the State Board of Plumbing Contractors and
3 providing for its powers and duties; conferring powers and
4 imposing duties on the Department of State; establishing
5 fees, fines and civil penalties; establishing the Plumbing
6 Contractors Licensure Account; and making an appropriation.

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19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 CHAPTER 1

22 PRELIMINARY PROVISIONS

23 Section 101. Short title.

24 This act shall be known and may be cited as the Plumber and
25 Plumbing Contractors Licensure Act.

26 Section 102. Declaration of purpose.

27 The General Assembly finds and declares as follows:

28 (1) Nothing in this act shall be construed to change the
29 manner in which an authority having jurisdiction currently
30 requires permitting for work to any portion of a plumbing

1 system on the effective date of this paragraph.

2 (2) Nothing in this act shall be intended to compel an
3 authority having jurisdiction to adopt additional or expanded
4 permitting requirements to install or modify any portion of a
5 plumbing system beyond the current requirements on the
6 effective date of this paragraph.

7 (3) If an authority having jurisdiction requires a
8 plumbing permit to install or modify any portion of a
9 plumbing system, only an individual who is licensed under
10 this act to provide plumbing services shall facilitate the
11 work.

12 Section 103. Definitions.

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

16 "Apprentice plumber." An individual who is registered as an
17 apprentice under the act of July 14, 1961 (P.L.604, No.304),
18 known as The Apprenticeship and Training Act, and who is
19 licensed by the board as an individual whose principal
20 occupation is learning and assisting in the performance of
21 plumbing services.

22 "Board." The State Board of Plumbing Contractors established
23 under section 301(a).

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

26 "Department." The Department of State of the Commonwealth.

27 "Journeyman plumber." An individual who is licensed by the
28 board to assist a master plumber with the performance of
29 plumbing services.

30 "Master plumber" or "licensed plumbing contractor." An

1 individual who has been licensed by the board and who is
2 authorized to perform plumbing services and to supervise
3 plumbing services provided by an apprentice plumber or a
4 journeyman plumber.

5 "Minor repairs." The repair of an existing plumbing fixture,
6 including the replacement of faucets or valves or parts of
7 faucets or valves, the clearance of stoppages, the stopping of
8 leaks without replacement of water, drainage or vent piping, the
9 relieving of frozen pipes or other minor replacement or repair
10 of existing plumbing fixtures.

11 "Plumbing services." The installation, maintenance,
12 extension, erection, repair or alteration of piping, plumbing
13 fixtures, plumbing appliances and plumbing apparatus in
14 connection with sanitary drainage, storm piping and facilities
15 and building sewers to the facility's or sewer's final
16 connection to an approved point of disposal, venting systems,
17 public and private water supply systems of a premises or
18 building within the property line and to the final connection
19 with an approved supply system. The term also includes the
20 installation, maintenance, extension, erection, repair or
21 alteration of piping, plumbing fixtures and plumbing apparatus
22 used for storm piping and facilities and building sewers, liquid
23 waste or sewage.

24 CHAPTER 3

25 STATE BOARD OF PLUMBING CONTRACTORS

26 Section 301. State Board of Plumbing Contractors.

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

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

30 (1) The Secretary of State or a designee.

1 (2) Two public members with no plumbing industry
2 affiliation.

3 (3) Professional members as follows:

4 (i) The following professional members, who must
5 have been actively engaged in providing plumbing services
6 in this Commonwealth for at least 10 years immediately
7 preceding appointment and, except as provided in Chapter
8 5 (relating to licensure), must be licensed under this
9 act as master plumbers in a jurisdiction of the
10 Commonwealth that provides testing of master plumbers
11 satisfactory to the board:

12 (A) Two professional members who reside in or
13 represent an entity legally based in a county of the
14 first class.

15 (B) Two professional members who reside in or
16 represent an entity legally based in a county of the
17 second class.

18 (C) Two professional members who reside in or
19 represent an entity legally based in any county of
20 the Commonwealth excluding counties of the first and
21 second class.

22 (ii) The professional members under subparagraph (i)
23 shall be subject to the following:

24 (A) Three members subject to collective
25 bargaining agreements.

26 (B) Three members not subject to collective
27 bargaining agreements.

28 (c) Initial meeting.--The board shall meet within 30 days
29 after the appointment of its first members and shall set up
30 operating procedures and develop application forms for

1 licensure. It shall be the responsibility of the board to
2 circulate the forms and educate the public regarding the
3 requirements of this act and the provision of plumbing services
4 in this Commonwealth.

5 (d) Appointments and term of membership.--Professional and
6 public members shall be appointed by the Governor with the
7 advice, consent and confirmation of the Senate. Professional and
8 public members shall be citizens of the United States and
9 residents of this Commonwealth. Except as provided in subsection
10 (e), professional and public members shall serve a term of four
11 years or until a successor has been appointed and qualified. If
12 a member dies, resigns or is otherwise disqualified during the
13 term of office, a successor shall be appointed in the same way
14 and with the same qualifications and shall hold office for the
15 remainder of the unexpired term. A professional or public member
16 may not be eligible to hold more than three consecutive terms.

17 (e) Initial appointment.--For professional and public
18 members initially appointed to the board under this act, the
19 term of office shall be as follows:

- 20 (1) Two members shall serve for a term of four years.
21 (2) Six members shall serve for a term of three years.
22 (3) One member shall serve for a term of two years.

23 (f) Quorum.--A majority of the members of the board shall
24 constitute a quorum. A member may not be counted as part of a
25 quorum or vote on an issue unless the member is physically in
26 attendance at the meeting. Virtual meetings may be conducted as
27 deemed necessary by the board. Only current board members
28 maintaining the requirements for appointment shall be entitled
29 to a vote.

30 (g) Chairperson.--The board shall select annually a

1 chairperson from among its members. The sitting chairperson may
2 be reselected at the pleasure of the board.

3 (h) Expenses.--With the exception of the Secretary of State,
4 a member of the board shall receive \$100 per diem when attending
5 to the work of the board. A member shall also receive the amount
6 of reasonable travel, hotel and other necessary expenses
7 incurred in the performance of the member's duties in accordance
8 with Commonwealth regulations.

9 (i) Forfeiture.--A professional or public member who fails
10 to attend three consecutive meetings shall forfeit the member's
11 seat unless the Secretary of State, on written request from the
12 member, finds that the member should be excused from a meeting
13 because of illness or the death of a family member.

14 (j) Frequency of meetings.--The board shall meet at least
15 six times a year in the City of Harrisburg or an alternate
16 location approved by the Secretary of State that may be
17 suggested at the majority consensus of the board. Additional
18 meetings may be scheduled if deemed necessary to conduct the
19 business of the board.

20 Section 302. Powers and duties of board.

21 The board shall have the following powers and duties:

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

24 (2) To issue, renew, reinstate, decline to renew,
25 suspend and revoke licenses under this act.

26 (3) To administer and enforce the provisions of this
27 act.

28 (4) To approve professional testing organizations to
29 administer tests to qualified applicants for licensure under
30 this act. Written, oral or practical examinations shall be

1 prepared and administered by a qualified and approved
2 professional testing organization. The examinations shall be
3 approved by the board then administered by a qualifying and
4 approved professional testing organization approved by the
5 board.

6 (5) To investigate applications for licensure and to
7 determine the eligibility of an individual applying for
8 licensure.

9 (6) To promulgate and enforce regulations, not
10 inconsistent with this act, as necessary only to carry into
11 effect the provisions of this act. This paragraph includes
12 the setting of fees. Regulations shall be adopted in
13 conformity with the provisions of the act of July 31, 1968
14 (P.L.769, No.240), referred to as the Commonwealth Documents
15 Law, and the act of June 25, 1982 (P.L.633, No.181), known as
16 the Regulatory Review Act.

17 (7) To keep minutes and records of all the board's
18 proceedings.

19 (8) To keep and maintain a registry of individuals
20 licensed by the board. The board shall provide access to the
21 registry to the public, including making the registry
22 available on a publicly accessible Internet website. The
23 registry shall contain the home improvement contractor
24 registration number required by the act of October 17, 2008
25 (P.L.1645, No.132), known as the Home Improvement Consumer
26 Protection Act, and provide access information for the
27 website containing registration information if the contractor
28 is required to be registered as a residential home
29 improvement contractor.

30 (9) To submit annually to the department an estimate of

1 financial requirements of the board for the board's
2 administrative, legal and other expenses.

3 (10) To submit annually a report to the Consumer
4 Protection and Professional Licensure Committee of the Senate
5 and the Professional Licensure Committee of the House of
6 Representatives. The report shall include a description of
7 the types of complaints received, the status of cases, the
8 action that has been taken and the length of time from
9 initial complaint to final resolution.

10 (11) To submit annually to the Appropriations Committee
11 of the Senate and the Appropriations Committee of the House
12 of Representatives, 30 days after the Governor has submitted
13 a budget to the General Assembly, a copy of the budget
14 request for the upcoming fiscal year that the board
15 previously submitted to the department.

16 CHAPTER 5

17 LICENSURE

18 Section 501. Licensure.

19 (a) Prohibition.--An individual may not provide plumbing
20 services, offer himself or herself for employment as an
21 individual who may provide plumbing services or hold himself or
22 herself out as an individual authorized to perform plumbing
23 services unless licensed under this act.

24 (b) Business entities.--An individual, corporation,
25 partnership, firm or other entity shall not:

26 (1) Employ an individual to provide plumbing services or
27 direct an individual to provide plumbing services unless the
28 individual is licensed under this act.

29 (2) Use the term "licensed plumbing contractor" in
30 connection with the individual, corporation, partnership,

1 firm or other entity unless at least one full-time employee
2 or the owner of the entity is licensed as a master plumber
3 under this act. If the employment of the full-time employee
4 holding the master plumber license for the entity is
5 terminated or otherwise interrupted for any reason, a
6 qualified replacement must be named before any additional
7 permit is issued to the entity and the entity must notify the
8 board of the change.

9 (c) Title.--An individual who holds a license as a master
10 plumber shall have the right to use the title "licensed plumbing
11 contractor" and the abbreviation "L.P.C." No other individual
12 may use the title "licensed plumbing contractor" or the
13 abbreviation "L.P.C." Except as provided in subsection (d), no
14 individual may hold himself or herself out as being authorized
15 to provide plumbing services.

16 (d) Exceptions.--The following exceptions apply:

17 (1) A journeyman plumber or apprentice plumber may hold
18 himself or herself out as being authorized to perform
19 plumbing services if the journeyman plumber or apprentice
20 plumber is employed by and works under the direction and
21 supervision of a licensed plumbing contractor or master
22 plumber.

23 (2) An individual who is not in the business of
24 providing plumbing services and who performs minor repairs in
25 a residence may not be required to obtain a license under
26 this act. The individuals shall not be permitted to use the
27 title of "licensed plumbing contractor" or "master plumber"
28 or the abbreviation "L.P.C."

29 (e) Responsibility.--A licensed plumbing contractor or
30 master plumber shall assume full responsibility for the plumbing

1 services irrespective of whether the plumbing services were
2 performed by the licensed plumbing contractor, master plumber,
3 journeyman plumber or an apprentice plumber employed by and
4 working under the direction and supervision of the licensed
5 plumbing contractor or master plumber. This subsection includes
6 the responsibility of the licensed plumbing contractor or master
7 plumber to ensure conformance with safety standards and
8 applicable plumbing codes, including plumbing codes for first
9 class counties and second class counties.

10 Section 502. Qualifications.

11 (a) Master plumber.--To be eligible to apply for licensure
12 as a master plumber, an applicant must:

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

14 (2) Submit proof satisfactory to the board that the
15 applicant has provided plumbing services for not less than
16 five years prior to application. Of the minimum five years'
17 experience required, not less than five years shall have been
18 as a master plumber or not less than one year shall have been
19 as a journeyman plumber and not less than four years shall
20 have been as an apprentice plumber, all in a jurisdiction or
21 municipality approved by the board. In lieu of the minimum
22 five years' experience under this paragraph, an applicant may
23 submit proof satisfactory to the board that the individual
24 has sufficient training and experience to sit for the
25 examination. The proof shall be either accepted or rejected
26 by the board on a case-by-case basis and the board's
27 decisions shall be considered final.

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

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

30 (5) Provide a current certificate or insurance verifying

1 workers compensation coverage and of liability insurance in
2 the amount of \$500,000.

3 (b) Journeyman plumber.--To be eligible for licensure as a
4 journeyman plumber, an applicant must:

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

6 (2) Submit proof satisfactory to the board that the
7 applicant has:

8 (i) provided plumbing services for not less than
9 four years as a journeyman or an apprentice plumber in a
10 jurisdiction or municipality approved by the board and
11 has served not less than 8,000 hours as an apprentice
12 plumber;

13 (ii) satisfactorily completed not less than 576
14 hours of related technical education at an accredited
15 school approved by the board and the department; and

16 (iii) submitted proof, in lieu of the four years'
17 experience as required under subparagraph (i), of the
18 applicant's experience satisfactory to the board that the
19 individual has sufficient training and experience to sit
20 for the examination. This proof shall be either accepted
21 or rejected by the board on a case-by-case basis and the
22 board's decision regarding this proof shall be considered
23 final.

24 (3) Provide a certificate of completion of
25 apprenticeship from the department.

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

27 (5) Pass the examination approved by the board.

28 (c) Additional requirement.--In addition to the other
29 requirements of this section, an individual applying for
30 licensure as a master plumber or a journeyman plumber who

1 provides or will provide plumbing services in either a county of
2 the first class or a county of the second class must pass an
3 examination on the plumbing code of the respective county.

4 (d) Apprentice plumber.--To be eligible for licensure as an
5 apprentice plumber, an applicant must:

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

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

11 (3) Pay the fee set by the board not to exceed \$20
12 biannually.

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

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

1 all of the following requirements:

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

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

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

9 (i) five years of prior experience immediately
10 preceding application providing plumbing services in a
11 jurisdiction or municipality approved by the board;

12 (ii) five consecutive years of possession of a
13 current business license as a plumber or an entity
14 providing plumbing services from a jurisdiction or
15 municipality approved by the board; or

16 (iii) successful completion of a test administered
17 by a jurisdiction, municipality or an agency approved by
18 the board or the respective county of the first or second
19 class, as appropriate to working as a licensed plumbing
20 contractor or journeyman plumber in those specific
21 counties or cities.

22 (g) Proof.--Proof submitted to the board under this section
23 shall be accepted or rejected by the board on a case-by-case
24 basis and the board's decision regarding this proof shall be
25 considered final.

26 (h) Convictions prohibited.--The board may not issue a
27 license to an individual who has been convicted of an offense
28 that constitutes a felony, in a court of law of the United
29 States or any other state, territory or country unless any of
30 the following have occurred:

1 (1) at least five years have elapsed from the date of
2 conviction;

3 (2) the individual satisfactorily demonstrates to the
4 board that the individual has made significant progress in
5 personal rehabilitation since the conviction to ensure that
6 licensure of the individual should not be expected to create
7 a substantial risk of harm to the health and safety of the
8 public or a substantial risk of further criminal violations;
9 or

10 (3) the individual otherwise satisfies the
11 qualifications under this act. An individual's statement on
12 the application declaring the absence of a conviction shall
13 be deemed satisfactory evidence of the absence of a
14 conviction unless the board has evidence to the contrary.

15 Section 503. Continuing education.

16 (a) Regulations.--The board shall adopt, promulgate and
17 enforce rules and regulations consistent with the provisions of
18 this act establishing continuing education to be met by
19 individuals licensed as master plumbers and journeyman plumbers.
20 Regulations shall include any fees necessary for the board to
21 carry out the board's responsibilities under this section. The
22 board may waive all or part of the continuing education
23 requirement for a master plumber or a journeyman plumber who
24 shows evidence satisfactory to the board that the individual was
25 unable to complete the requirement due to illness, emergency,
26 military service or other hardship. The waiver will be accepted
27 or rejected by the board on a case-by-case basis and the board's
28 decision regarding the proof shall be considered final. All
29 courses, materials, locations and instructors shall be approved
30 by the board.

1 (b) Twelve-hour requirement.--Beginning with the licensure
2 period designated by regulation, an individual applying for
3 renewal of a license as a master plumber shall be required to
4 obtain 12 hours of continuing education during the two calendar
5 years immediately preceding the application for renewal.

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

12 Section 504. Plumbing contractors in other states.

13 (a) Requirement.--For an individual to be eligible to apply
14 for a license as a master plumber or a journeyman plumber under
15 subsection (b), the other state, territory or possession of the
16 United States must provide an opportunity for reciprocal
17 licensure that is substantially similar to the opportunity
18 provided by the Commonwealth under this section.

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

24 (1) The individual meets the age requirements.

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 (c) Counties of the first or second class.--An individual
5 applying for a license as a master plumber or journeyman plumber
6 under this section who provides or will provide plumbing
7 services in either a county of the first class or a county of
8 the second class must pass an examination administered by the
9 respective county on the plumbing code of the respective county.
10 Section 505. Duration of license.

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

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

1 apprentice plumber who is placed on inactive status under
2 section 502(e), the apprentice plumber shall provide evidence to
3 the board of renewal of registration before the board may
4 activate the license. The board shall promulgate regulations to
5 carry into effect the provisions of this subsection.

6 Section 506. Reporting of multiple licensure.

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

19 Section 507. Prohibition.

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

29 (b) Registration.--Nothing in this act or section shall
30 relieve an individual, corporation, partnership, firm, licensed

1 plumbing contractor or master plumber from, if applicable under
2 the act, maintaining registration with the Attorney General
3 under the 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 enforcement required by this act, the
18 department, after consultation with the board and subject to the
19 Regulatory Review Act, shall increase the fees by regulation in
20 an amount to ensure that revenues meet the required enforcement.

21 (c) Account.--A restricted account is established in the
22 General Fund that shall be known as the Plumbing Contractors
23 Licensure Account. Beginning July 1, 2025, and thereafter, all
24 money collected by the board shall be paid into the Plumbing
25 Contractors Licensure Account. Money in the account is
26 appropriated upon approval of the Governor for payment of the
27 costs of processing licenses and renewals and for other general
28 costs of board operations.

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

1 for other administrative actions by the board as permitted by
2 this act or by regulation.

3 Section 702. Violations.

4 (a) Criminal penalty.--An individual or the responsible
5 officers or employees of a corporation, partnership, firm,
6 entity, licensed plumbing contractor, master plumber or other
7 entity violating a provision of this act or a regulation of the
8 board commits a misdemeanor and shall, upon conviction, be
9 sentenced to pay a fine of not more than \$1,500 or to
10 imprisonment for not more than six months for the first
11 violation. For the second and each subsequent conviction, the
12 individual shall be sentenced to pay a fine of not more than
13 \$3,000 or to imprisonment for not less than six months nor more
14 than one year, or both.

15 (b) Civil penalty.--In addition to any other civil remedy or
16 criminal penalty under this act, the board by a vote of the
17 majority may levy a civil penalty of up to \$10,000 on any of the
18 following:

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

20 (2) An individual who performs plumbing services in
21 violation of this act without being properly licensed under
22 this act.

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

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

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

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

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

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

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

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

28 (i) the performance of plumbing services; or

29 (ii) securing licensure.

30 (5) An applicant has been convicted of an offense that

1 constitutes a felony, in a court of law of the United States
2 or another state, territory or country unless any of the
3 following have occurred:

4 (i) at least five years have elapsed from the date
5 of conviction;

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

13 (iii) the individual otherwise satisfies the
14 qualifications under this act. An individual's statement
15 on the application declaring the absence of a conviction
16 shall be deemed satisfactory evidence of the absence of a
17 conviction unless the board has evidence to the contrary.

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

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

27 (8) The licensee falsely advertised or made misleading,
28 deceptive, untrue or fraudulent material representations
29 regarding licensure or the performance of plumbing services.

30 (9) Unless waived by the board in accordance with

1 section 503, the licensee failed to satisfy the continuing
2 education requirements of this act.

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

6 (1) Deny the application for a license.

7 (2) Administer a public reprimand.

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

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

13 (5) Restore or reissue, in the board's discretion, a
14 suspended license and impose a disciplinary or corrective
15 measure that the board may have imposed.

16 Section 704. Suspensions and revocations.

17 A suspension or revocation shall be made only in accordance
18 with the regulations of the board and only by majority vote of
19 the members of the board after a full and fair hearing. An
20 action of the board shall be taken subject to the right of
21 notice, hearing and adjudication, and the right of appeal, in
22 accordance with the provisions of 2 Pa.C.S. (relating to
23 administrative law and procedure). The board, by majority action
24 and in accordance with the board's regulations, may reissue a
25 license which has been suspended. If a license has been revoked,
26 the board shall reinstate a license in accordance with section
27 706.

28 Section 705. Temporary and automatic suspensions.

29 (a) Temporary suspensions.--A license issued under this act
30 may be temporarily suspended under circumstances determined by

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

22 (b) Commitment of licensee.--

23 (1) A license issued under this act shall automatically
24 be suspended:

25 (i) Upon the legal commitment of a licensee to an
26 institution because of mental incompetency from any cause
27 and upon filing with the board a certified copy of the
28 commitment.

29 (ii) Upon conviction of a felony or conviction of an
30 offense under the laws of another jurisdiction, that, if

1 committed in this Commonwealth, would be a felony.

2 (2) Automatic suspension under this subsection may not
3 be stayed pending an appeal of a conviction. Restoration of
4 the license shall be made as provided in the case of
5 revocation or suspension of a license.

6 Section 706. Reinstatement of license.

7 Unless ordered to do so by Commonwealth Court or an appeal
8 from Commonwealth Court, the board may not reinstate the license
9 of an individual whose license has been revoked. An individual
10 whose license has been revoked may reapply for a license after a
11 period of at least five years but must meet all of the licensing
12 requirements of this act.

13 Section 707. Surrender of suspended or revoked license.

14 The board shall require an individual whose license has been
15 suspended or revoked to return the license in a manner that the
16 board directs. Failure to do so, and upon conviction of failure
17 to return the license, shall be a misdemeanor of the third
18 degree.

19 Section 708. Injunction.

20 Whenever, in the judgment of the board, a person has engaged
21 in an act or practice that constitutes or will constitute a
22 violation of this act, the board or its agents may make
23 application to the appropriate court for an order enjoining the
24 act or practice. Based on a showing by the board that the person
25 has engaged or is about to engage in a prohibited act or
26 practice, an injunction, restraining order or other order, as
27 may be appropriate, may be granted by the court. The remedy by
28 injunction is in addition to any other civil or criminal
29 penalty.

30 Section 709. Subpoenas and oaths.

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

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

23 CHAPTER 9

24 MISCELLANEOUS PROVISIONS

25 Section 901. Municipalities.

26 (a) Municipal licenses not required and exceptions.--
27 Licensure under this act shall be acceptable to a municipality
28 in this Commonwealth as proof of competence to perform plumbing
29 services, and no municipality may require an individual licensed
30 under this act to obtain an additional license to perform

1 plumbing services.

2 (b) Certain powers preserved.--Nothing in this act shall be
3 construed to prevent a municipality from:

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

8 (2) Levying lawful taxes and fees.

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

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

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

25 The sum of \$250,000, or as much of that amount as may be
26 necessary, is hereby appropriated to the department for the
27 payment of costs associated with processing and renewing
28 licenses, for the operation of the board and for other costs
29 associated with this act. The appropriation shall be repaid by
30 the department within three years of the beginning of issuance

1 of licenses by the board.

2 Section 903. Regulations.

3 Within 18 months of the effective date of this section, the
4 board shall begin to promulgate regulations to carry out this
5 act.

6 Section 904. Effective date.

7 This act shall take effect as follows:

8 (1) Section 501(c) shall take effect in 30 days.

9 (2) Section 502(a) (4) and (6) shall take effect in 60
10 days.

11 (3) This section shall take effect immediately.

12 (4) The remainder of this act shall take effect in 18
13 months.