

By: Lucio III

H.B. No. 173

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of certain rainwater harvesting; providing administrative penalties; authorizing fees; requiring an occupational license.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 7, Agriculture Code, is amended by adding Chapter 202 to read as follows:

CHAPTER 202. RAINWATER HARVESTING

SUBCHAPTER A. POWERS AND DUTIES OF DEPARTMENT

Sec. 202.001. RULES. The department shall adopt rules that are reasonable and necessary for the performance of the department's duties under this chapter, including rules to establish:

(1) licensing and other fees;
(2) license renewal dates;
(3) procedures for disciplinary actions; and
(4) standards for the installation and maintenance of rainwater harvesting equipment by a license holder.

Sec. 202.002. LICENSING AND REGULATORY DUTIES. The department shall:

(1) review and approve or reject each application for the issuance or renewal of a license;
(2) issue each license; and
(3) deny, suspend, or revoke a license or otherwise

discipline a license holder.

SUBCHAPTER B. RAINWATER HARVESTING LICENSE

Sec. 202.051. LICENSE REQUIRED. A person may not install or maintain or offer to install or maintain, for compensation, a rainwater harvesting system with a capacity of more than 500 gallons unless the person holds:

(1) a license under this chapter; or

(2) a master plumber or a journeyman plumber license issued by the Texas State Board of Plumbing Examiners and holds a water supply protection specialist endorsement issued by the board.

Sec. 202.052. ISSUANCE OF LICENSE. The department shall issue a license to an applicant who:

(1) meets the eligibility requirements of Section 202.053;

(2) submits an application on a form prescribed by the department; and

(3) pays the required application fee.

Sec. 202.053. ELIGIBILITY REQUIREMENTS. To be eligible for a license under this chapter, an applicant must:

(1) successfully complete a rainwater harvesting training program approved by the department; and

(2) pass an examination administered or approved by the department.

Sec. 202.054. LICENSE TERM AND RENEWAL. (a) A license issued under this chapter is valid for three years.

(b) A person who holds a license under this chapter may renew the license by:

1 (1) paying the required renewal fee;
2 (2) submitting the appropriate form; and
3 (3) meeting any other requirement established by
4 department rule.

5 Sec. 202.055. CONTINUING EDUCATION REQUIREMENTS. The
6 department by rule shall adopt, monitor, and enforce a reporting
7 program for the continuing education of license holders. The
8 department shall adopt and administer rules that:

9 (1) establish the number of hours of continuing
10 education the department determines appropriate as a prerequisite
11 to the renewal of a license under this chapter; and

12 (2) adopt a process to assess a license holder's
13 participation in continuing education courses.

14 SUBCHAPTER C. PENALTIES AND ENFORCEMENT PROVISIONS

15 Sec. 202.101. LICENSE SUSPENSION OR REVOCATION. The
16 department may suspend or revoke a license if the license holder
17 violates this chapter or a rule adopted under this chapter.

18 Sec. 202.102. ADMINISTRATIVE PENALTY. A person who
19 violates this chapter or a rule or order adopted by the department
20 under this chapter is subject to an administrative penalty under
21 Section 12.020, regardless of whether the person holds a license
22 under this chapter.

23 SECTION 2. Section 12.020(c), Agriculture Code, is amended
24 to read as follows:

25 (c) The provisions of law subject to this section and the
26 applicable penalty amounts are as follows:

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	Provision	Amount of Penalty
1		
2	Chapters 13, 14A, 17, 18, 19, 41,	
3	46, 61, 72, 73, 74, 76, 94, 95, 101,	
4	102, 103, 125, 132,	
5	[and] <u>134, and 202</u>	not more than \$5,000
6	Subchapters A, B, and C, Chapter 71	not more than \$5,000
7	Chapter 14	not more than \$10,000
8	Chapter 1951, Occupations Code	not more than \$5,000
9	Chapter 153, Natural Resources	
10	Code	not more than \$5,000.
11	SECTION 3. Not later than March 1, 2018, the Department of	
12	Agriculture shall adopt rules necessary to implement Chapter 202,	
13	Agriculture Code, as added by this Act.	
14	SECTION 4. (a) Except as provided by Subsection (b) of this	
15	section, this Act takes effect September 1, 2017.	
16	(b) Section 12.020(c), Agriculture Code, as amended by this	
17	Act, and Sections 202.051 and 202.102, Agriculture Code, as added	
18	by this Act, take effect September 1, 2018.	