



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**JOHN BEN SHEPPERD  
ATTORNEY GENERAL**

October 8, 1954.

Hon: Bun L. Hutchinson  
District Attorney  
Fifth Judicial District  
Texarkana, Texas

Letter Opinion No. MS-157

Re: Application of the plumbing  
license law to a property  
owner doing plumbing work  
on his rented property.

Dear Mr. Hutchinson:

In your recent request for an opinion of this office, you state the following fact situation:

"A citizen and property owner residing within the city of Texarkana, Texas owns, in addition to his home, rent property. He rents, maintains and operates the same himself, as his business and occupation, and pursuant to an ordinance requiring that flush toilets be placed in property in the condition the same as his, he proceeded to rough in, lay and set the toilets. The City Plumbing Inspector contends that such is a violation of the City Ordinance and the State law on the grounds that he, the property owner, could not do the plumbing work on property that he owns, but does not occupy, nor intend to occupy, as his home.

"There is no contention that the work would not have to stand inspection as this part is perfectly clear by the last sentence of Section 3(c) of the Act."

You then ask if a person owning rent property in a city coming under the provisions of the Plumbing License Law of 1947 and pursuant to an ordinance passed under said Act, said rent property being the business in which he is engaged, be subject to prosecution when he does his own work on the rent property.

We agree with your conclusion that under the above stated facts a person would be allowed to do plumbing work upon the property without violating the provisions of the Act.

Article 6243-101, Sec. 3(c) reads, in part:

"Sec. 3. The following Acts, work and conduct shall be expressly permitted without license:

" . . . .

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"(c) Plumbing work done by anyone who is regularly employed as or acting as a maintenance man or maintenance engineer, incidental to and in connection with the business in which he is employed or engaged, and who does not engage in the occupation of a plumber for the general public; . . . "

Since, in the instant case, the person in question is engaged in the business of renting and maintaining houses and since the maintenance of the plumbing therein is incidental to and in connection with the business in which the person is engaged, said person is permitted to do plumbing work upon his rent houses in question without holding a plumber's license under the above quoted section of Art. 6243-101.

Yours very truly,

JOHN BEN SHEPPERD  
Attorney General

By  
Milton Richardson  
Assistant

MR:wb/cm