

By: Gallegos

S.B. No. 1557

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of journeyman and
apprentice sheet metal workers.

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

SECTION 1. Chapter 1302, Occupations Code, is amended by
adding Subchapter K to read as follows:

SUBCHAPTER K. SHEET METAL WORKERS LICENSING REQUIREMENT

Sec. 1302.501. DEFINITIONS. In this subchapter:

(1) "Sheet metal work" means the forming, assembling,
sealing, internal insulating, sorting, sectioning, installing,
testing, air-balancing, and servicing of all ductwork, regardless
of the materials used, and the connection to related appurtenances,
associated with the installation of an environmentally sound,
energy-efficient commercial heating, ventilation, and
air-conditioning system that protects the health and safety of the
system users.

(2) "Commercial heating, ventilation, and
air-conditioning system" means all heating, ventilating, and
air-conditioning projects excluding those in:

(A) a residential single-family dwelling; and

(B) a townhome three stories or less.

Sec. 1302.502. LICENSE REQUIRED. A person may not perform
sheet metal work in this state unless the person holds an
appropriate license issued or recognized under this subchapter.

1 Sec. 1302.503. FEES. The commission shall establish and
2 collect reasonable and necessary fees in amounts sufficient to
3 cover the costs of administering this subchapter.

4 Sec. 1302.504. APPLICATION REQUIREMENTS. (a) An
5 applicant for a license under this subchapter shall:

6 (1) submit to the department a completed application
7 on a form prescribed by the executive director;

8 (2) submit to the department any other information
9 required by executive director rule;

10 (3) demonstrate to the satisfaction of the executive
11 director the appropriate amount of sheet metal work experience
12 required under this subchapter; and

13 (4) pay the applicable license application fees and
14 examination fees.

15 (b) The executive director shall adopt rules to establish a
16 process by which the department will evaluate and certify the
17 amount of sheet metal work experience claimed by applicants for a
18 license under this subchapter.

19 (c) The department may conduct an examination of any
20 criminal conviction of an applicant, including obtaining any
21 criminal history record information permitted by law.

22 Sec. 1302.505. JOURNEYMAN SHEET METAL WORKER. An applicant
23 for a journeyman sheet metal worker license shall:

24 (1) certify to the executive director that the
25 applicant has been employed at least 8,000 hours while registered
26 in a United States Department of Labor apprenticeship program or
27 while receiving on-the-job training under the supervision of a

1 contractor licensed under Subchapter F;

2 (2) pass a journeyman sheet metal worker license
3 examination administered under this subchapter; and

4 (3) pay the application and examination fee required
5 under this subchapter.

6 Sec. 1302.506. APPRENTICE SHEET METAL WORKER. An applicant
7 for a sheet metal apprentice license shall:

8 (1) be engaged in the process of learning and
9 assisting in the fabrication, installation, modification, repair,
10 or maintenance of commercial heating, ventilation, and
11 air-conditioning systems while registered in a United States
12 Department of Labor apprenticeship program or while receiving
13 on-the-job training under the supervision of a contractor licensed
14 under Subchapter F; and

15 (2) pay the application fee required under this
16 subchapter.

17 Sec. 1302.507. EXAMINATIONS. (a) Journeyman sheet metal
18 license examinations required under this subchapter shall be
19 conducted throughout the state.

20 (b) The department shall accept, develop, or contract for
21 the examinations required under this subchapter, including the
22 administration of the examinations.

23 (c) Testing materials shall require an examinee to
24 demonstrate a working knowledge of the International Mechanical
25 Code, the Uniform Mechanical Code, the Sheet Metal and Air
26 Conditioning National Association's duct standards, the rules and
27 standards of the federal Occupational Safety and Health

1 Administration and the National Fire Protection Association,
2 indoor air quality standards, the testing, adjusting, and balancing
3 of commercial heating, ventilation, and air-conditioning systems,
4 and the reading of blueprints and specifications.

5 (d) The executive director shall determine uniform
6 standards for acceptable performance on the examinations.

7 Sec. 1302.508. EXAMINATION RESULTS. (a) Not later than 30
8 days after the date a journeyman sheet metal worker license
9 examination is administered under this subchapter, the department
10 shall notify the examinee of the results of the examination. If an
11 examination is graded or reviewed by a national testing service,
12 the department shall notify the examinee of the results of the
13 examination not later than 14 days after the date the department
14 receives the results from the testing service.

15 (b) If the notice of examination results will be delayed for
16 more than 90 days after the examination date, the department shall
17 notify each examinee of the reason for the delay before the 90th
18 day.

19 (c) If requested in writing by a person who fails an
20 examination administered under this subchapter, the department
21 shall provide to the person an analysis of the person's performance
22 on the examination.

23 (d) A person who fails an examination for a journeyman sheet
24 metal worker license may not retake the examination before the 90th
25 day after the date of the failed examination.

26 Sec. 1302.509. NONRESIDENT LICENSE APPLICANT. The
27 executive director may issue a license under this subchapter to an

1 applicant who holds a sheet metal worker license in another state
2 and who submits a proper application and pays the required fees if
3 the executive director determines that the applicant is licensed in
4 a state with which there is an agreement to recognize licenses
5 issued under this subchapter.

6 Sec. 1302.510. LICENSE ISSUANCE; NONTRANSFERABILITY.

7 (a) Not later than 30 days after the date the department
8 determines that an applicant has passed a required examination,
9 complied with all application requirements, and paid all required
10 fees, the executive director shall issue the appropriate license to
11 the applicant.

12 (b) A license issued under this subchapter is valid
13 throughout this state. The license is not transferable.

14 Sec. 1302.511. LICENSE RENEWAL. (a) A license issued
15 under this subchapter is valid for one year from the date of
16 issuance and is renewable on the anniversary of the date of issuance
17 on payment of the applicable renewal fee.

18 (b) Not later than the 30th day before the expiration date
19 of a license, the department shall notify the license holder in
20 writing, at the license holder's last known address, of the
21 impending license expiration. A license holder may renew an
22 unexpired license by paying to the department, before the license
23 expiration date, the required renewal fee.

24 (c) A person whose license has been expired for 90 days or
25 less may renew the license by paying to the department the required
26 renewal fee and a late fee in an amount equal to half of the license
27 fee. A person whose license has been expired for more than 90 days

1 but less than two years may renew the license by paying to the
2 department all unpaid renewal fees and a late fee in an amount equal
3 to the license fee. A person whose license has been expired for
4 more than two years may not renew the license. The person may
5 obtain a new license by submitting to reexamination and complying
6 with the requirements and procedures under this subchapter for
7 obtaining an original license.

8 Sec. 1302.512. CONTINUING EDUCATION. (a) The advisory
9 board shall adopt procedures for certifying and shall certify
10 continuing education programs for sheet metal journeyman and
11 apprentice license holders. A journeyman or apprentice license
12 holder must annually complete six hours of continuing education
13 courses on the laws and codes governing heating, ventilating, and
14 air-conditioning systems to be eligible to renew a license issued
15 under this subchapter.

16 (b) The advisory board shall annually approve individuals,
17 businesses, unions, or associations to provide continuing
18 education course materials. Continuing education program
19 providers will include classroom instruction and course materials
20 as part of each continuing education program.

21 (c) The advisory board shall periodically publish a list of
22 approved subjects for continuing education programs, including the
23 International Mechanical Code, the Uniform Mechanical Code, the
24 Sheet Metal and Air Conditioning National Association's duct
25 standards, the rules and standards of the federal Occupational
26 Safety and Health Administration and the National Fire Protection
27 Association, indoor air quality standards, the testing, adjusting,

1 and balancing of commercial heating, ventilation, and
2 air-conditioning systems, and the reading of blueprints and
3 specifications.

4 (d) Each continuing education program provider shall
5 furnish a uniquely numbered certificate of completion to each
6 licensee after the licensee has completed a course and shall, in a
7 format approved by the advisory board, electronically transmit to
8 the advisory board certification of the licensee's completion not
9 later than 48 hours after the licensee has completed a course.

10 (e) Each continuing education program provider shall be
11 reviewed annually by the executive director to ensure that the
12 provider's courses have been provided in suitable locations
13 throughout the state.

14 SECTION 2. As soon as practicable after the effective date
15 of this Act, the Texas Department of Licensing and Regulation
16 shall:

17 (1) adopt rules, procedures, and fees under Subchapter
18 K, Chapter 1302, Occupations Code, as added by this Act, including
19 rules regarding the initial date that a license will be required
20 under Subchapter K for a person to perform sheet metal work; and

21 (2) accept or develop the license examinations, or
22 contract with a nationally recognized testing organization for the
23 administration of the license examinations, required by Subchapter
24 K, Occupations Code, as added by this Act.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.