

By: Flores

H.B. No. 463

Substitute the following for H.B. No. 463:

By: Hamilton

C.S.H.B. No. 463

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of air conditioning and refrigeration contracting; providing an administrative penalty.

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

SECTION 1. Section 1302.002, Occupations Code, is amended by adding Subdivisions (5-a), (5-b), and (17) to read as follows:

(5-a) "Air conditioning and refrigeration technician" means a person who assists a licensed air conditioning and refrigeration contractor in performing air conditioning and refrigeration maintenance work.

(5-b) "Certified technician" means a registered technician who has completed a certification examination.

(17) "Registered technician" means an air conditioning and refrigeration technician who is registered with the department.

SECTION 2. Section 1302.101, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) The department may examine any criminal conviction, guilty plea, or deferred adjudication of an applicant for issuance or renewal of a license, including by obtaining any criminal history record information permitted by law.

SECTION 3. Section 1302.263, Occupations Code, is amended to read as follows:

Sec. 1302.263. LIMITATION ON LICENSE HOLDER OR REGISTERED

1 TECHNICIAN. A person licensed under this chapter may not:

2 (1) perform or offer or attempt to perform an act,
3 service, or function that is:

4 (A) [~~(1)~~] defined as the practice of engineering
5 under Chapter 1001, unless the person holds a license under that
6 chapter;

7 (B) [~~(2)~~] regulated under Chapter 113, Natural
8 Resources Code, unless the person holds a license or is exempt by
9 rule under that chapter; or

10 (C) [~~(3)~~] defined as plumbing under Chapter
11 1301, unless the person holds a license under that chapter; or

12 (2) use the services of a person who is not a
13 registered technician or a licensed air conditioning and
14 refrigeration contractor to assist in the performance of air
15 conditioning and refrigeration maintenance work.

16 SECTION 4. Section 1302.401(a), Occupations Code, is
17 amended to read as follows:

18 (a) A person is subject to the denial of an application,
19 imposition of an administrative penalty under Subchapter F, Chapter
20 51, or disciplinary action under Section 51.353 if the person:

21 (1) violates this chapter or a rule adopted under this
22 chapter; or

23 (2) violates [~~is convicted of an offense under~~] a
24 municipal ordinance adopted under Section 1302.303.

25 SECTION 5. Section 1302.402, Occupations Code, is amended
26 to read as follows:

27 Sec. 1302.402. ADMINISTRATIVE PROCEDURES. A proceeding for

1 the denial of a license or registration application or disciplinary
2 action and an appeal from that proceeding are governed by Chapter
3 2001, Government Code.

4 SECTION 6. Chapter 1302, Occupations Code, is amended by
5 adding Subchapter K to read as follows:

6 SUBCHAPTER K. AIR CONDITIONING AND REFRIGERATION TECHNICIANS

7 Sec. 1302.501. REGISTRATION REQUIRED. (a) A person may not
8 act or offer to act as an air conditioning and refrigeration
9 technician unless the person is registered under this subchapter.

10 (b) A registration is valid throughout the state.

11 Sec. 1302.502. RULES. The executive director shall adopt
12 rules:

13 (1) providing for the registration of technicians as
14 prescribed by this subchapter; and

15 (2) establishing fees for issuance and renewal of a
16 registration.

17 Sec. 1302.503. SUPERVISION REQUIREMENTS FOR REGISTRANTS.
18 An air conditioning and refrigeration technician must be supervised
19 by an air conditioning and refrigeration contractor licensed under
20 this chapter.

21 Sec. 1302.504. APPLICATION; FEE. (a) An applicant for
22 registration must submit an application on a form prescribed by the
23 commission.

24 (b) The completed application must be accompanied by the
25 application fee.

26 Sec. 1302.505. ISSUANCE AND TERM OF REGISTRATION. (a) On
27 receipt of a completed application, the department shall register

1 an applicant who meets the requirements of this subchapter.

2 (b) A registration is valid for one year from the date of
3 issuance.

4 Sec. 1302.506. TEMPORARY REGISTRATION. (a) An applicant
5 for registration may request a temporary registration. The
6 executive director shall issue a temporary registration that
7 expires on the 21st day after the date of issuance to an applicant
8 who meets the qualifications for temporary registration.

9 (b) The commission shall adopt rules providing for the
10 issuance of a temporary registration under this section, including
11 the qualifications and fee required for the registration.

12 Sec. 1302.507. RENEWAL OF REGISTRATION. To renew a
13 registration, a registered technician must:

14 (1) submit a renewal request on a form prescribed by
15 the executive director; and

16 (2) pay the required renewal fee.

17 Sec. 1302.508. CERTIFIED TECHNICIAN. A registered
18 technician may be certified by the department and use the
19 designation "certified technician" if the registered technician:

20 (1) completes an application for certification on a
21 form prescribed by the executive director;

22 (2) pays the application fee; and

23 (3) provides the department with proof that the
24 registered technician successfully completed a nationally
25 recognized and administered certification examination or another
26 examination of equal or greater difficulty approved by the
27 department.

1 SECTION 7. Not later than December 31, 2007, the Texas
2 Commission of Licensing and Regulation shall adopt rules
3 implementing Subchapter K, Chapter 1302, Occupations Code, as added
4 by this Act.

5 SECTION 8. (a) Except as provided by Subsection (b) of this
6 section, this Act takes effect September 1, 2007.

7 (b) Sections 1302.501 and 1302.503, Occupations Code, as
8 added by this Act, take effect June 30, 2008.