

1-1 By: Flores (Senate Sponsor - Carona) H.B. No. 463
1-2 (In the Senate - Received from the House April 16, 2007;
1-3 April 17, 2007, read first time and referred to Committee on
1-4 Business and Commerce; May 14, 2007, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 7,
1-6 Nays 0; May 14, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 463 By: Harris

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of air conditioning and refrigeration
1-11 contracting; providing an administrative penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 1302.002, Occupations Code, is amended
1-14 by adding Subdivisions (5-a), (5-b), and (17) to read as follows:

1-15 (5-a) "Air conditioning and refrigeration technician"
1-16 means a person who assists a licensed air conditioning and
1-17 refrigeration contractor in performing air conditioning and
1-18 refrigeration maintenance work.

1-19 (5-b) "Certified technician" means a registered
1-20 technician who has completed a certification examination.

1-21 (17) "Registered technician" means an air
1-22 conditioning and refrigeration technician who is registered with
1-23 the department.

1-24 SECTION 2. Section 1302.062, Occupations Code, is amended
1-25 to read as follows:

1-26 Sec. 1302.062. NO LICENSE REQUIRED FOR CERTAIN
1-27 ASSISTANTS. (a) A person is not required to hold a license if the
1-28 person assists in air conditioning and refrigeration contracting
1-29 under the supervision of a license holder.

1-30 (b) The exemption under this section does not apply to a
1-31 person who assists a licensed air conditioning and refrigeration
1-32 contractor in performing air conditioning and refrigeration
1-33 maintenance work.

1-34 SECTION 3. Section 1302.101, Occupations Code, is amended
1-35 by adding Subsection (e) to read as follows:

1-36 (e) The department may examine any criminal conviction,
1-37 guilty plea, or deferred adjudication of an applicant for issuance
1-38 or renewal of a license, including by obtaining any criminal
1-39 history record information permitted by law.

1-40 SECTION 4. Section 1302.263, Occupations Code, is amended
1-41 to read as follows:

1-42 Sec. 1302.263. LIMITATION ON LICENSE HOLDER OR REGISTERED
1-43 TECHNICIAN. A person licensed under this chapter may not:

1-44 (1) perform or offer or attempt to perform an act,
1-45 service, or function that is:

1-46 (A) ~~[(1)]~~ defined as the practice of engineering
1-47 under Chapter 1001, unless the person holds a license under that
1-48 chapter;

1-49 (B) ~~[(2)]~~ regulated under Chapter 113, Natural
1-50 Resources Code, unless the person holds a license or is exempt by
1-51 rule under that chapter; or

1-52 (C) ~~[(3)]~~ defined as plumbing under Chapter
1-53 1301, unless the person holds a license under that chapter; or

1-54 (2) use the services of a person who is not a
1-55 registered technician or a licensed air conditioning and
1-56 refrigeration contractor to assist in the performance of air
1-57 conditioning and refrigeration maintenance work.

1-58 SECTION 5. Section 1302.401(a), Occupations Code, is
1-59 amended to read as follows:

1-60 (a) A person is subject to the denial of an application,
1-61 imposition of an administrative penalty under Subchapter F, Chapter
1-62 51, or disciplinary action under Section 51.353 if the person:

1-63 (1) violates this chapter or a rule adopted under this

2-1 chapter; or

2-2 (2) violates [~~is convicted of an offense under~~] a
2-3 municipal ordinance adopted under Section 1302.303.

2-4 SECTION 6. Section 1302.402, Occupations Code, is amended
2-5 to read as follows:

2-6 Sec. 1302.402. ADMINISTRATIVE PROCEDURES. A proceeding for
2-7 the denial of a license or registration application or disciplinary
2-8 action and an appeal from that proceeding are governed by Chapter
2-9 2001, Government Code.

2-10 SECTION 7. Chapter 1302, Occupations Code, is amended by
2-11 adding Subchapter K to read as follows:

2-12 SUBCHAPTER K. AIR CONDITIONING AND REFRIGERATION TECHNICIANS

2-13 Sec. 1302.501. REGISTRATION REQUIRED. (a) A person may not
2-14 act or offer to act as an air conditioning and refrigeration
2-15 technician unless the person is registered under this subchapter.

2-16 (b) A registration is valid throughout the state.

2-17 Sec. 1302.502. RULES. The commission shall adopt rules:

2-18 (1) providing for the registration of technicians as
2-19 prescribed by this subchapter; and

2-20 (2) establishing fees for issuance and renewal of a
2-21 registration.

2-22 Sec. 1302.503. SUPERVISION REQUIREMENTS FOR REGISTRANTS.
2-23 An air conditioning and refrigeration technician must be supervised
2-24 by an air conditioning and refrigeration contractor licensed under
2-25 this chapter.

2-26 Sec. 1302.504. APPLICATION; FEE. (a) An applicant for
2-27 registration must submit an application on a form prescribed by the
2-28 commission.

2-29 (b) The completed application must be accompanied by the
2-30 application fee.

2-31 Sec. 1302.505. ISSUANCE AND TERM OF REGISTRATION. (a) On
2-32 receipt of a completed application, the department shall register
2-33 an applicant who meets the requirements of this subchapter.

2-34 (b) A registration is valid for one year from the date of
2-35 issuance.

2-36 Sec. 1302.506. TEMPORARY REGISTRATION. (a) An applicant
2-37 for registration may request a temporary registration. The
2-38 executive director shall issue a temporary registration that
2-39 expires on the 10th day after the date of issuance to an applicant
2-40 who meets the qualifications for temporary registration.

2-41 (b) The commission shall adopt rules providing for the
2-42 issuance of a temporary registration under this section, including
2-43 the qualifications and fee required for the registration.

2-44 Sec. 1302.507. RENEWAL OF REGISTRATION. To renew a
2-45 registration, a registered technician must:

2-46 (1) submit a renewal request on a form prescribed by
2-47 the executive director; and

2-48 (2) pay the required renewal fee.

2-49 Sec. 1302.508. CERTIFIED TECHNICIAN. A registered
2-50 technician may be certified by the department and use the
2-51 designation "certified technician" if the registered technician:

2-52 (1) completes an application for certification on a
2-53 form prescribed by the executive director;

2-54 (2) pays the application fee; and

2-55 (3) provides the department with proof that the
2-56 registered technician successfully completed a nationally
2-57 recognized and administered certification examination or another
2-58 examination of equal or greater difficulty approved by the
2-59 department.

2-60 SECTION 8. Not later than December 31, 2007, the Texas
2-61 Commission of Licensing and Regulation shall adopt rules
2-62 implementing Subchapter K, Chapter 1302, Occupations Code, as added
2-63 by this Act.

2-64 SECTION 9. (a) Except as provided by Subsection (b) of this
2-65 section, this Act takes effect September 1, 2007.

2-66 (b) Section 1302.062, Occupations Code, as amended by this
2-67 Act, and Sections 1302.501 and 1302.503, Occupations Code, as added
2-68 by this Act, take effect June 30, 2008.

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