

By: Bailey

H.B. No. 1281

Substitute the following for H.B. No. 1281:

By: Hamilton

C.S.H.B. No. 1281

A BILL TO BE ENTITLED

AN ACT

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

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) and (6-a) to read as follows:

(5-a) "Commercial heating, ventilation, and
air-conditioning system" means all heating, ventilation, and
air-conditioning projects other than those installed in:

(A) a residential single-family dwelling; or

(B) a townhome consisting of not more than three
stories.

(6-a) "Commercial sheet metal work" means the forming,
assembling, sealing, internal insulating, sorting, sectioning,
installing, testing, and servicing of all ductwork on a job site,
regardless of the materials used, and the connection to related
appurtenances, other than equipment with coils and ductwork located
within five feet of an air-handling unit, that is 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 users of the system.

SECTION 2. Section 1302.263, Occupations Code, is amended
to read as follows:

Sec. 1302.263. LIMITATIONS [~~LIMITATION~~] ON LICENSE HOLDER.

1 (a) A person licensed under this chapter may not perform or offer
2 or attempt to perform an act, service, or function that is:

3 (1) defined as the practice of engineering under
4 Chapter 1001, unless the person holds a license under that chapter;

5 (2) regulated under Chapter 113, Natural Resources
6 Code, unless the person holds a license or is exempt by rule under
7 that chapter; or

8 (3) defined as plumbing under Chapter 1301, unless the
9 person holds a license under that chapter.

10 (b) A person licensed under this chapter may not use the
11 services of another person to perform commercial sheet metal work
12 unless the person performing the work holds a license issued under
13 Subchapter K.

14 SECTION 3. Chapter 1302, Occupations Code, is amended by
15 adding Subchapter K to read as follows:

16 SUBCHAPTER K. SHEET METAL WORKERS

17 Sec. 1302.501. LICENSE REQUIRED; EXCEPTIONS. (a) Except
18 as provided by Subsection (b), a person may not perform commercial
19 sheet metal work in this state unless the person holds an
20 appropriate license issued or recognized under this subchapter.

21 (b) This section does not apply to a Class A or Class B
22 license holder under Subchapter F.

23 Sec. 1302.502. APPLICATION REQUIREMENTS. An applicant for
24 a license under this subchapter must:

25 (1) submit to the department:

26 (A) a completed application on a form prescribed
27 by the executive director; and

1 (B) any other information required under this
2 subchapter;

3 (2) demonstrate to the satisfaction of the department
4 that the applicant has the appropriate amount of commercial sheet
5 metal work experience required under this subchapter; and

6 (3) pay the applicable license application fees and
7 examination fees.

8 Sec. 1302.503. CONSIDERATION OF CRIMINAL HISTORY FOR
9 LICENSE APPLICATIONS AND RENEWALS. The department may consider any
10 criminal conviction, guilty plea, or deferred adjudication of an
11 applicant or a person renewing a license and may obtain any criminal
12 history record information permitted by law.

13 Sec. 1302.504. JOURNEYMAN SHEET METAL LICENSE. An
14 applicant for a journeyman sheet metal license must:

15 (1) certify to the executive director that the
16 applicant has been employed at least 8,000 hours in the performance
17 of commercial sheet metal work while:

18 (A) registered in a training program
19 administered by the Bureau of Apprenticeship and Training, United
20 States Department of Labor, or any other training program
21 recognized by the department; or

22 (B) receiving on-the-job training under the
23 supervision of a contractor licensed under Subchapter F;

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

26 (3) pay the application and examination fee required
27 under this subchapter.

1 Sec. 1302.505. APPRENTICE SHEET METAL LICENSE. An
2 applicant for an apprentice sheet metal license must:

3 (1) be engaged in the process of learning and
4 assisting in commercial sheet metal work while:

5 (A) registered in a training program
6 administered by the Bureau of Apprenticeship and Training, United
7 States Department of Labor, or any other training program
8 recognized by the department; or

9 (B) receiving on-the-job training under the
10 supervision of a contractor licensed under Subchapter F; and

11 (2) pay the application fee required under this
12 subchapter.

13 Sec. 1302.506. EXAMINATION. (a) A journeyman sheet metal
14 license examination required under this subchapter shall be
15 conducted throughout the state.

16 (b) The department shall accept, develop, or contract for an
17 examination required under this subchapter, including the
18 administration of the examination.

19 (c) An examination may require an applicant to demonstrate a
20 working knowledge of:

21 (1) the International Mechanical Code;

22 (2) the Uniform Mechanical Code;

23 (3) the Sheet Metal and Air Conditioning Contractor's
24 National Association's duct standards;

25 (4) the rules and standards of the Occupational Safety
26 and Health Administration and the National Fire Protection
27 Association;

- 1 (5) indoor air quality standards;
- 2 (6) the testing, adjusting, and balancing of
- 3 commercial heating, ventilation, and air-conditioning systems;
- 4 (7) the reading of blueprints and specifications; and
- 5 (8) the laws, rules, and codes governing commercial
- 6 heating, ventilation, and air-conditioning systems.

7 (d) The executive director shall determine uniform

8 standards for acceptable performance on the examinations.

9 Sec. 1302.507. VALIDITY OF LICENSE. A license issued under

10 this subchapter is valid throughout this state.

11 Sec. 1302.508. LICENSE TERM AND RENEWAL. A license issued

12 under this subchapter is valid for one year from the date of

13 issuance and is renewable on the anniversary of the date of issuance

14 on payment of the applicable renewal fee and satisfaction of any

15 renewal requirements adopted by the commission.

16 Sec. 1302.509. CONTINUING EDUCATION. A journeyman or

17 apprentice sheet metal license holder must complete six hours of

18 continuing education courses on the laws, rules, and codes

19 governing commercial heating, ventilation, and air-conditioning

20 systems to be eligible to renew a license issued under this

21 subchapter.

22 SECTION 4. Not later than January 1, 2008, the Texas

23 Commission of Licensing and Regulation shall adopt rules,

24 procedures, and fees under Subchapter K, Chapter 1302, Occupations

25 Code, as added by this Act, including rules regarding the initial

26 date that a license will be required under Subchapter K for a person

27 to perform commercial sheet metal work.

1 SECTION 5. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2007.