

By: Bailey

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. (a) An applicant  
24 for 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                   (b) The commission shall adopt rules to establish a process  
9 by which the department shall evaluate and certify the amount of  
10 commercial sheet metal work experience claimed by an applicant for  
11 a license under this subchapter.

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

15                   Sec. 1302.503. JOURNEYMAN SHEET METAL LICENSE. An  
16 applicant for a journeyman sheet metal license must:

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

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

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

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

1           (3) pay the application and examination fee required  
2 under this subchapter.

3           Sec. 1302.504. APPRENTICE SHEET METAL LICENSE. An  
4 applicant for an apprentice sheet metal license must:

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

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

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

13           (2) pay the application fee required under this  
14 subchapter.

15           Sec. 1302.505. EXAMINATION. (a) A journeyman sheet metal  
16 license examination required under this subchapter shall be  
17 conducted throughout the state.

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

21                   (c) Testing materials must require an examinee to  
22 demonstrate a working knowledge of:

23                           (1) the International Mechanical Code;

24                           (2) the Uniform Mechanical Code;

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

27                           (4) the rules and standards of the Occupational Safety

1 and Health Administration and the National Fire Protection  
2 Association;

3 (5) indoor air quality standards;

4 (6) the testing, adjusting, and balancing of  
5 commercial heating, ventilation, and air conditioning systems; and

6 (7) the reading of blueprints and specifications.

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

9 Sec. 1302.506. VALIDITY OF LICENSE. A license issued under  
10 this subchapter is valid throughout this state.

11 Sec. 1302.507. 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 department.

16 Sec. 1302.508. CONTINUING EDUCATION. The advisory board  
17 shall certify continuing education programs for journeyman and  
18 apprentice sheet metal license holders according to procedures  
19 adopted by the advisory board. A journeyman or apprentice sheet  
20 metal license holder must complete six hours of continuing  
21 education courses annually on the laws and codes governing heating,  
22 ventilating, and air-conditioning systems to be eligible to renew a  
23 license issued under this subchapter.

24 SECTION 4. Not later than January 1, 2008, the Texas  
25 Commission of Licensing and Regulation shall adopt rules,  
26 procedures, and fees under Subchapter K, Chapter 1302, Occupations  
27 Code, as added by this Act, including rules regarding the initial

1 date that a license will be required under Subchapter K for a person  
2 to perform commercial sheet metal work.

3 SECTION 5. The Texas Department of Licensing and Regulation  
4 shall issue a journeyman sheet metal license without examination to  
5 an applicant under this section who:

6 (1) applies for a license not later than December 31,  
7 2008;

8 (2) submits to the department the information required  
9 under Section 1302.502(a)(1), Occupations Code, as added by this  
10 Act;

11 (3) demonstrates to the satisfaction of the department  
12 that the applicant has the experience required under Section  
13 1302.503(1), Occupations Code, as added by this Act; and

14 (4) pays the application fee set by the Texas  
15 Commission of Licensing and Regulation.

16 SECTION 6. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2007.