

**House Bill 463**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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 TECHNICIAN. A person licensed under this chapter may not:

(1) perform or offer or attempt to perform an act,

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Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

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service, or function that is:

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

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

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

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

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

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

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

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

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

Sec. 1302.402. ADMINISTRATIVE PROCEDURES.

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SECTION 6. Same as House version.

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

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

SUBCHAPTER K. AIR CONDITIONING AND REFRIGERATION TECHNICIANS

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

(b) A registration is valid throughout the state.

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

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

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

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

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

(b) The completed application must be accompanied by

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SECTION 7. Same as House version.

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the application fee.

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

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

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

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

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

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

(2) pay the required renewal fee.

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

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

(2) pays the application fee; and

(3) provides the department with proof that the

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registered technician successfully completed a nationally recognized and administered certification examination or another examination of equal or greater difficulty approved by the department.

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

SECTION 8. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2007.  
(b) Sections 1302.501 and 1302.503, Occupations Code, as added by this Act, take effect June 30, 2008.

SENATE VERSION

SECTION 8. Same as House version.

SECTION 9. Same as House version.

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