

By: Thompson

H.B. No. 2600

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

(5-c) "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 OR REGISTERED TECHNICIAN. (a) A person licensed under this
2 chapter may not:

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

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

7 (B) 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) defined as plumbing under Chapter 1301,
11 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 (b) A person licensed under this chapter may not use the
17 services of another person to perform commercial sheet metal work
18 unless the person performing the work holds a license issued under
19 Subchapter L.

20 SECTION 3. Chapter 1302, Occupations Code, is amended by
21 adding Subchapter L to read as follows:

22 SUBCHAPTER L. SHEET METAL WORKERS

23 Sec. 1302.551. LICENSE REQUIRED; EXCEPTIONS. (a) Except
24 as provided by Subsection (b), a person may not perform commercial
25 sheet metal work in this state unless the person holds an
26 appropriate license issued or recognized under this subchapter.

27 (b) This section does not apply to a Class A or Class B

1 license holder under Subchapter F.

2 Sec. 1302.552. APPLICATION REQUIREMENTS. An applicant for
3 a license under this subchapter must:

4 (1) submit to the department:

5 (A) a completed application on a form prescribed
6 by the executive director; and

7 (B) any other information required under this
8 subchapter;

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

12 (3) pay the applicable license application fees and
13 examination fees.

14 Sec. 1302.553. CONSIDERATION OF CRIMINAL HISTORY FOR
15 LICENSE APPLICATIONS AND RENEWALS. The department may consider any
16 criminal conviction, guilty plea, or deferred adjudication of an
17 applicant or a person renewing a license and may obtain any criminal
18 history record information permitted by law.

19 Sec. 1302.554. JOURNEYMAN SHEET METAL LICENSE. An
20 applicant for a journeyman sheet metal license must:

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

24 (A) registered in a training program
25 administered by the Bureau of Apprenticeship and Training, United
26 States Department of Labor, or any other training program
27 recognized by the department; or

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

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

5 (3) pay the application and examination fee required
6 under this subchapter.

7 Sec. 1302.555. APPRENTICE SHEET METAL LICENSE. An
8 applicant for an apprentice sheet metal license must:

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

11 (A) registered in a training program
12 administered by the Bureau of Apprenticeship and Training, United
13 States Department of Labor, or any other training program
14 recognized by the department; or

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

17 (2) pay the application fee required under this
18 subchapter.

19 Sec. 1302.556. EXAMINATION. (a) A journeyman sheet metal
20 license examination required under this subchapter shall be
21 conducted throughout the state.

22 (b) The department shall accept, develop, or contract for an
23 examination required under this subchapter, including the
24 administration of the examination.

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

27 (1) the International Mechanical Code;

1 (2) the Uniform Mechanical Code;

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

4 (4) the rules and standards of the Occupational Safety
5 and Health Administration and the National Fire Protection
6 Association;

7 (5) indoor air quality standards;

8 (6) the testing, adjusting, and balancing of
9 commercial heating, ventilation, and air-conditioning systems;

10 (7) the reading of blueprints and specifications; and

11 (8) the laws, rules, and codes governing commercial
12 heating, ventilation, and air-conditioning systems.

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

15 Sec. 1302.557. VALIDITY OF LICENSE. A license issued under
16 this subchapter is valid throughout this state.

17 Sec. 1302.558. LICENSE TERM AND RENEWAL. A license issued
18 under this subchapter is valid for one year from the date of
19 issuance and is renewable on the anniversary of the date of issuance
20 on payment of the applicable renewal fee and satisfaction of any
21 renewal requirements adopted by the commission.

22 Sec. 1302.559. CONTINUING EDUCATION. A journeyman or
23 apprentice sheet metal license holder must complete six hours of
24 continuing education courses on the laws, rules, and codes
25 governing commercial heating, ventilation, and air-conditioning
26 systems to be eligible to renew a license issued under this
27 subchapter.

1 SECTION 4. (a) Not later than January 1, 2010, the Texas
2 Commission of Licensing and Regulation shall adopt rules,
3 procedures, and fees under Subchapter L, Chapter 1302, Occupations
4 Code, as added by this Act, including rules regarding the initial
5 date that a license will be required under Subchapter L for a person
6 to perform commercial sheet metal work.

7 (b) Notwithstanding Section 1302.263, Occupations Code, as
8 amended by this Act, and Section 1302.551, Occupations Code, as
9 added by this Act, a person is not required to hold a license under
10 Subchapter L, Chapter 1302, Occupations Code, as added by this Act,
11 to perform commercial sheet metal work before September 1, 2010.

12 SECTION 5. This Act takes effect September 1, 2009.