

Amend CSHB 2643 (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 1302.002, Occupations Code, is amended by amending Subdivision (5-b) and adding Subdivision (5-c) to read as follows:

(5-b) "Apprenticeship program" means an air conditioning and refrigeration training program that is:

(A) recognized by the Texas Workforce Commission or the Texas Higher Education Coordinating Board;

(B) registered with the United States Department of Labor; or

(C) a competency-based standardized craft training program that meets the standards of the United States Department of Labor Office of Apprenticeship.

(5-c) "Certified technician" means a registered technician who has completed a certification examination.

SECTION _____. Subchapter C, Chapter 1302, Occupations Code, is amended by adding Section 1302.1011 to read as follows:

Sec. 1302.1011. RULES. The commission shall adopt rules:

(1) providing for the licensing and registration of persons under this chapter, including requirements for the issuance and renewal of a contractor license and a technician registration;

(2) establishing fees necessary for the administration of this chapter, including fees for issuance and renewal of a contractor license and a technician registration; and

(3) implementing the requirements of this chapter as applicable to persons, entities, and activities regulated under this chapter.

SECTION _____. Subsection (a), Section 1302.102, Occupations Code, is amended to read as follows:

(a) The commission by rule [~~executive director~~] shall set insurance requirements for a license holder under this chapter.

SECTION _____. Section 1302.105, Occupations Code, is amended to read as follows:

Sec. 1302.105. PERSONNEL [~~EXAMINERS~~]. [~~(a)~~] The department may employ personnel necessary to administer this

chapter.

~~[(b) The department shall employ at least two full-time air conditioning and refrigeration contractors to serve as examiners.]~~

SECTION _____. Section 1302.202, Occupations Code, is amended to read as follows:

Sec. 1302.202. APPOINTED MEMBERS. (a) Except for the public member, each ~~[Each]~~ appointed advisory board member must be experienced in the design, installation, construction, maintenance, service, repair, or modification of equipment used for environmental air conditioning, commercial refrigeration, or process cooling or heating. Other than the public member, of ~~[Of]~~ the appointed members:

(1) one must be an official of a municipality with a population of more than 250,000;

(2) one must be an official of a municipality with a population of not more than 250,000; and

(3) four must be full-time licensed air conditioning and refrigeration contractors, as follows:

(A) one member who holds a Class A license and practices in a municipality with a population of more than 250,000;

(B) one member who holds a Class B license and practices in a municipality with a population of more than 250,000;

(C) one member who holds a Class A license and practices in a municipality with a population of more than 25,000 but not more than 250,000; and

(D) one member who holds a Class B license and practices in a municipality with a population of not more than 25,000.

(b) At least one ~~[appointed]~~ appointed under Subsection (a)(3) advisory board member must be an air conditioning and refrigeration contractor who employs organized labor ~~[and at least two appointed members must be air conditioning and refrigeration contractors who are licensed engineers]~~.

SECTION _____. The heading to Subchapter F, Chapter 1302, Occupations Code, is amended to read as follows:

SUBCHAPTER F. AIR CONDITIONING AND REFRIGERATION CONTRACTORS

~~[LICENSE REQUIREMENTS]~~

SECTION _____. Section 1302.251, Occupations Code, is amended to read as follows:

Sec. 1302.251. LICENSE REQUIRED. (a) A person may not engage in air conditioning and refrigeration contracting unless the person holds an air conditioning and refrigeration contractor [~~a~~] license under this subchapter or Subchapter G.

(b) An air conditioning and refrigeration contractor [~~A~~] license issued under this subchapter is valid throughout the state. A person who holds a license issued under this subchapter is not required to hold a municipal license under Subchapter G to engage in air conditioning and refrigeration contracting in any municipality in this state.

(c) A person holding an air conditioning and refrigeration contractor license may assign that license to only one permanent office of one air conditioning and refrigeration contracting company.

SECTION _____. Section 1302.255, Occupations Code, is amended to read as follows:

Sec. 1302.255. ELIGIBILITY REQUIREMENTS. (a) An applicant for a license under this subchapter [~~chapter~~] must:

(1) be at least 18 years old; and

(2) have at least 48 [~~36~~] months of practical experience in air conditioning and refrigeration-related work under the supervision of a licensed air conditioning and refrigeration contractor [~~with the tools of the trade~~] in the preceding 72 months [~~five years~~].

(a-1) An applicant who has equivalent experience in another state or who held an equivalent license in another state may receive credit for the experience as determined by the executive director.

(b) Notwithstanding the requirements of [~~For purposes of determining an applicant's practical experience under~~] Subsection (a)(2), an applicant may satisfy a portion of the practical experience requirement as provided by Subsection (c).

(c) An applicant who obtains a degree or diploma or completes a certification program from an institution of higher education that holds a certificate of authority issued by the Texas Higher Education Coordinating Board, or an equivalent governing

body in another state as approved by the executive director, may satisfy a portion of the practical experience requirement as follows:

(1) completing a four-year degree or diploma in air conditioning engineering or technology, refrigeration engineering or technology, or mechanical engineering is equivalent to 24 months [two years] of practical experience [if:

~~(1) the degree or diploma is from an institution of higher education]; [and]~~

(2) completing a two-year associate's degree, a two-year diploma, or a two-year certification program primarily focused on air conditioning and refrigeration-related work is equivalent to 12 months of practical experience;

(3) completing a one-year certification program, or a program of at least two semesters, in air conditioning and refrigeration-related work is equivalent to six months of practical experience; and

(4) completing a program resulting in another applicable degree, diploma, or certification shall be equivalent to the amount of practical experience determined by the department under commission rule [the institution's program is approved by the Texas Board of Professional Engineers for the purpose of licensing engineers].

(d) Every 2,000 hours of on-the-job training in an apprenticeship program is equivalent to 12 months of practical experience under Subsection (a)(2).

(e) Notwithstanding the requirements of Subsection (a)(2), each of the following qualifies as practical experience for purposes of satisfying the 48-month requirement:

(1) verified military service in which the person was trained in or performed air conditioning and refrigeration-related work as part of the person's military occupational specialty; and

(2) experience performing air conditioning and refrigeration-related work as described by Section 1302.055, 1302.056, or 1302.057 or while employed by a governmental entity.

SECTION _____. Subsections (a) and (c), Section 1302.256, Occupations Code, are amended to read as follows:

(a) An applicant for an air conditioning and refrigeration contractor [~~a~~] license must submit a verified application on a form prescribed by the executive director.

(c) The application must be accompanied by:

(1) a statement containing evidence satisfactory to the executive director of the applicant's practical experience required by Section 1302.255 [~~1302.255(a)(2)~~]; and

(2) the required fees [~~examination fee~~].

SECTION _____. Subsection (b), Section 1302.257, Occupations Code, is amended to read as follows:

(b) The executive director shall prescribe the method and content of an examination administered under this subchapter [~~chapter~~] and shall set compliance requirements for the examination. To obtain an endorsement, an applicant must pass the examination for the endorsement.

SECTION _____. Section 1302.260, Occupations Code, is amended to read as follows:

Sec. 1302.260. ISSUANCE AND TERM OF LICENSE. (a) The department [~~On payment of the license fee, the executive director~~] shall issue an air conditioning and refrigeration contractor license to an applicant who:

(1) submits a verified application;

(2) passes the applicable examination;

(3) meets the requirements of this chapter and rules adopted under this chapter [~~subchapter~~];

(4) pays the required fees; and

(5) [~~(2)~~] provides evidence of insurance coverage required by rule [~~the executive director~~] in accordance with this chapter [~~, and~~

[~~(3) passes the applicable examination~~].

(b) A license issued under this chapter expires on the first anniversary of the date of issuance [~~at the end of the license period set by the commission~~].

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

Sec. 1302.263. LIMITATION ON LICENSE HOLDER [~~OR REGISTERED TECHNICIAN~~]. A person licensed as a contractor under this

subchapter [~~chapter~~] may not:

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

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

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

(C) 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 _____. Subsection (a), Section 1302.453, Occupations Code, is amended to read as follows:

(a) A person commits an offense if the person:

(1) knowingly engages in air conditioning and refrigeration contracting without holding a license issued under this chapter; [~~or~~]

(2) knowingly engages in air conditioning and refrigeration maintenance work without holding a contractor license or technician registration issued under this chapter; or

(3) purchases a refrigerant or equipment containing a refrigerant in this state in violation of Section 1302.353, 1302.355, or 1302.356.

SECTION _____. Section 1302.501, Occupations Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) An air conditioning and refrigeration technician [A] registration is valid throughout the state.

(c) A person is not required to obtain an air conditioning and refrigeration technician registration if the person only assists a licensed contractor in performing:

(1) the total replacement of a system; or

(2) the installation or repair of a boiler or pressure vessel that must be installed in accordance with rules adopted

under Chapter 755, Health and Safety Code.

SECTION _____. Subchapter K, Chapter 1302, Occupations Code, is amended by adding Section 1302.5035 to read as follows:

Sec. 1302.5035. ELIGIBILITY REQUIREMENTS. (a) An applicant for a technician registration under this subchapter must be at least 18 years old.

(b) An applicant for a technician registration is not required to have practical experience or to take an examination to obtain the registration.

SECTION _____. Section 1302.504, Occupations Code, is amended to read as follows:

Sec. 1302.504. APPLICATION; FEE. (a) An applicant for an air conditioning and refrigeration technician registration must submit a verified [an] application on a form prescribed by the executive director [commission].

(b) The completed application must be accompanied by the required fees [application fee].

SECTION _____. Section 1302.505, Occupations Code, is amended to read as follows:

Sec. 1302.505. ISSUANCE AND TERM OF REGISTRATION. (a) The department shall issue an air conditioning and refrigeration technician registration to an applicant who:

(1) submits a verified application;

(2) meets the requirements of this chapter and rules adopted under this chapter; and

(3) pays the required fees [On receipt of a completed application, the department shall register an applicant who meets the requirements of this subchapter].

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

SECTION _____. Subchapter K, Chapter 1302, Occupations Code, is amended by adding Section 1302.509 to read as follows:

Sec. 1302.509. LIMITATIONS ON REGISTRANT. A person registered under this subchapter may not:

(1) perform, offer to perform, or attempt to perform an act that is:

(A) defined as the practice of engineering under

Chapter 1001, unless the person holds a license under that chapter;
(B) regulated under Chapter 113, Natural
Resources Code, unless the person holds a license under that
chapter or is exempt by a rule adopted under that chapter; or

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

(2) assist a person who is not a licensed air
conditioning and refrigeration contractor in the performance of air
conditioning and refrigeration maintenance work.

SECTION _____. The following sections of the Occupations Code are repealed:

- (1) Section 1302.062;
- (2) Section 1302.106;
- (3) Section 1302.209;
- (4) Subsections (c) and (d), Section 1302.257;
- (5) Section 1302.502; and
- (6) Section 1302.507.

SECTION _____. (a) Not later than March 1, 2012, the Texas Commission of Licensing and Regulation shall adopt rules to implement Chapter 1302, Occupations Code, as amended by this Act.

(b) Section 1302.255, Occupations Code, as amended by this Act, applies only to an application for a license or registration under that section submitted to the Texas Department of Licensing and Regulation on or after November 1, 2012. An application for a license, registration, or certification submitted under that section before that date is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.