

## **BILL ANALYSIS**

Senate Research Center  
82R9052 SLB-F

S.B. 1244  
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Business & Commerce  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Heating, Ventilating, and Air Conditioning (HVAC) industry has become increasingly electronic and sophisticated. Over time, the names of courses for air conditioning contractors have changed. There is a need to update the list of courses that are eligible to be considered experience for the purpose of licensure. Furthermore, statute does not currently require that work experience for an applicant be under a licensed contractor. This can lead to applicants that do not learn to do the job the correct way. There are also many people that perform HVAC work in the military who are returning home and wanting to get licensed. Military work does not count towards experience for obtaining a license.

S.B. 1244 would increase the experience required to sit for the HVAC contractor examination from 36 to 48 months. It would amend the education requirements to bring them in line with current degree offerings and add a Department of Labor accredited apprenticeship program as qualifying education. Such apprenticeship programs are new to Texas. Finally, the bill makes military services as an HVAC technician applicable to the experience requirement.

As proposed, S.B. 1244 amends current law relating to the eligibility requirements for licenses for certain air conditioning and refrigeration contractors.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 2 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1302.255, Occupations Code, as follows:

Sec. 1302.255. ELIGIBILITY REQUIREMENTS. (a) Requires an applicant for a license under this chapter to be:

- (1) at least 18 years old; and
- (2) have at least 48, rather than 36, months of practical experience with the tools of the trade in the preceding six, rather than five, years:
  - (A) under the supervision of a licensed air conditioning and refrigeration contractor;
  - (B) as an employee of a school district in this state;
  - (C) as an employee in an industrial process plant; or
  - (D) while serving in the military.

(b) Authorizes an applicant, notwithstanding the requirements of Subsection (a)(2), to satisfy a portion of the practical experience requirement as provided by

Subsection (c), rather than for purposes of determining an applicant's practical experience under Subsection (a)(2).

(c) Authorizes 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 (THECB), or an equivalent governing body in another state as approved by the executive director of the Texas Department of Licensing and Regulation, to satisfy a portion of the practical experience requirement as follows:

(1) completing a four-year degree or diploma in air conditioning technology, refrigeration technology, or mechanical engineering is equivalent to 24 months of practical experience.

(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; and

(3) completing a one-year certification program in air conditioning and refrigeration-related work is equivalent to six months of practical experience.

Deletes existing text providing that a degree or diploma in air conditioning engineering or refrigeration is equivalent to two years of practical experience if the degree or diploma is from an institution of higher education, and the institution's program is approved by the Texas Board of Professional Engineers for the purpose of licensing engineers.

(d) Provides that every 2,000 hours of on-the-job training in an air conditioning and refrigeration apprenticeship program registered with the United States Department of Labor Office of Apprenticeship is equivalent to 12 months of practical experience under Subsection (a)(2).

(e) Provides that, notwithstanding the requirements of Subsection (a)(2), 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 qualifies as practical experience for purposes of satisfying the 48-month requirement.

SECTION 2. (a) Requires the Texas Commission of Licensing and Regulation, not later than March 1, 2012, to adopt rules to implement Chapter 1302 (Air Conditioning and Refrigeration Contractors), Occupations Code, as amended by this Act.

(b) Makes application of Section 1302.255, Occupations Code, as amended by this Act, prospective to September 1, 2012.

SECTION 3. Effective date: September 1, 2011.