

By: Walle

H.B. No. 432

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the licensing and regulation of air conditioning and  
3 refrigeration contractors and technicians; providing a penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1302.002, Occupations Code, is amended  
6 by amending Subdivisions (5-a), (5-b), and (17) and adding  
7 Subdivision (5-c) to read as follows:

8 (5-a) "Air conditioning and refrigeration technician"  
9 means a person who performs air conditioning and refrigeration  
10 maintenance or installation work under the supervision of [assists]  
11 a licensed air conditioning and refrigeration contractor [~~in~~  
12 ~~performing air conditioning and refrigeration maintenance work~~].

13 (5-b) "Air conditioning and refrigeration trainee"  
14 means a person who performs air conditioning and refrigeration  
15 maintenance or installation work under the supervision of a  
16 licensed air conditioning and refrigeration technician or  
17 contractor.

18 (5-c) "Certified technician" means a licensed  
19 [~~registered~~] technician who has completed a certification  
20 examination.

21 (17) "Registered trainee [~~technician~~]" means an air  
22 conditioning and refrigeration trainee [~~technician~~] who is  
23 registered with the department.

24 SECTION 2. Section 1302.251, Occupations Code, is amended

1 by amending Subsection (a) and adding Subsection (a-1) to read as  
2 follows:

3 (a) A person may not engage in air conditioning and  
4 refrigeration contracting unless the person holds an air  
5 conditioning and refrigeration contractor [~~a~~] license under this  
6 subchapter or Subchapter G.

7 (a-1) A person may not act as an air conditioning and  
8 refrigeration technician unless the person holds an air  
9 conditioning and refrigeration technician license under this  
10 subchapter.

11 SECTION 3. The heading to Section 1302.253, Occupations  
12 Code, is amended to read as follows:

13 Sec. 1302.253. CONTRACTOR LICENSE CLASSIFICATIONS.

14 SECTION 4. Subchapter F, Chapter 1302, Occupations Code, is  
15 amended by adding Section 1302.2541 to read as follows:

16 Sec. 1302.2541. TECHNICIAN LICENSE: SCOPE OF WORK. An air  
17 conditioning and refrigeration technician license entitles the  
18 license holder to engage in the installation, construction, repair,  
19 maintenance, or modification of an environmental air conditioning  
20 system, a commercial refrigeration system, or a process cooling or  
21 heating system under the supervision of a licensed air conditioning  
22 and refrigeration contractor.

23 SECTION 5. Section 1302.255, Occupations Code, is amended  
24 by amending Subsection (a) and adding Subsection (c) to read as  
25 follows:

26 (a) An applicant for an air conditioning and refrigeration  
27 contractor [~~a~~] license under this chapter must:

- 1           (1) be at least 18 years old; and  
2           (2) have at least 36 months of practical experience  
3 with the tools of the trade in the preceding five years.

4           (c) An applicant for an air conditioning and refrigeration  
5 technician license must:

- 6           (1) be at least 18 years old; and  
7           (2) have at least 6,000 hours of experience as a  
8 registered trainee working under the supervision of a licensed air  
9 conditioning and refrigeration contractor or technician.

10           SECTION 6. Section 1302.256(c), Occupations Code, is  
11 amended to read as follows:

- 12           (c) The application must be accompanied by:  
13           (1) a statement containing evidence satisfactory to  
14 the executive director of the applicant's practical experience  
15 required by Section 1302.255(a)(2) or (c)(2), as appropriate; and  
16           (2) the examination fee.

17           SECTION 7. Section 1302.257(a), Occupations Code, is  
18 amended to read as follows:

- 19           (a) The executive director shall prescribe:  
20           (1) a separate examination for each class or type of  
21 license; and  
22           (2) within each class of license, a separate  
23 examination for:  
24           (A) an environmental air conditioning  
25 endorsement; and  
26           (B) a commercial refrigeration and process  
27 cooling or heating endorsement.

1 SECTION 8. Subchapter F, Chapter 1302, Occupations Code, is  
2 amended by adding Section 1302.258 to read as follows:

3 Sec. 1302.258. CONTINUING EDUCATION. (a) To renew an air  
4 conditioning and refrigeration technician license, the license  
5 holder must complete six hours of continuing education.

6 (b) The commission by rule shall approve continuing  
7 education courses that satisfy the requirements of this section.  
8 The commission may adopt a fee for the administration of the  
9 department's duties regarding continuing education.

10 SECTION 9. Section 1302.260, Occupations Code, is amended  
11 by adding Subsection (a-1) to read as follows:

12 (a-1) On payment of the license fee, the executive director  
13 shall issue an air conditioning and refrigeration technician  
14 license to an applicant who:

- 15 (1) meets the requirements of this subchapter; and  
16 (2) passes the applicable examination.

17 SECTION 10. Section 1302.261, Occupations Code, is amended  
18 to read as follows:

19 Sec. 1302.261. TEMPORARY LICENSE. The commission by rule  
20 may provide for the issuance of a temporary air conditioning and  
21 refrigeration contracting or technician license to an applicant  
22 who:

- 23 (1) submits to the executive director an application  
24 on a form prescribed by the executive director; and  
25 (2) pays the required fees.

26 SECTION 11. Subchapter F, Chapter 1302, Occupations Code,  
27 is amended by adding Section 1302.2611 to read as follows:

1        Sec. 1302.2611. RENEWAL OF TECHNICIAN LICENSE. To renew an  
2 air conditioning and refrigeration technician license, a licensed  
3 technician must:

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

6            (2) comply with the continuing education requirements  
7 established by the commission; and

8            (3) pay the required renewal fee.

9        SECTION 12. Section 1302.262(a), Occupations Code, is  
10 amended to read as follows:

11        (a) A person who obtains an air conditioning and  
12 refrigeration contractor ~~[a]~~ license under this subchapter shall  
13 provide a notice to the municipal authority that enforces air  
14 conditioning and refrigeration contracting regulations in the  
15 municipality in which the person engages in air conditioning and  
16 refrigeration contracting.

17        SECTION 13. Section 1302.263, Occupations Code, is amended  
18 to read as follows:

19        Sec. 1302.263. LIMITATION ON LICENSE HOLDER ~~[OR REGISTERED~~  
20 ~~TECHNICIAN]~~. A person licensed under this chapter may not:

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

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

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

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

3 (2) use the services of a person who is not a  
4 registered trainee [~~technician~~] or a licensed air conditioning and  
5 refrigeration contractor or technician to assist in the performance  
6 of air conditioning and refrigeration maintenance work.

7 SECTION 14. Subchapter F, Chapter 1302, Occupations Code,  
8 is amended by adding Section 1302.264 to read as follows:

9 Sec. 1302.264. CERTIFIED TECHNICIAN APPLICATION. A  
10 licensed technician may be certified by the department and use the  
11 designation "certified technician" if the technician:

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

14 (2) pays the application fee; and

15 (3) provides the department with proof that the  
16 technician successfully completed a nationally recognized and  
17 administered certification examination or another examination of  
18 equal or greater difficulty approved by the department.

19 SECTION 15. Section 1302.453, Occupations Code, is amended  
20 by adding Subsection (a-1) to read as follows:

21 (a-1) A person commits an offense if the person knowingly  
22 acts or offers to act as an air conditioning and refrigeration  
23 trainee without being registered as a trainee under this chapter.

24 SECTION 16. The heading to Subchapter K, Chapter 1302,  
25 Occupations Code, is amended to read as follows:

26 SUBCHAPTER K. AIR CONDITIONING AND REFRIGERATION

27 REGISTERED TRAINEES [~~TECHNICIANS~~]

1 SECTION 17. Section 1302.501(a), Occupations Code, is  
2 amended to read as follows:

3 (a) A person may not act or offer to act as an air  
4 conditioning and refrigeration trainee [~~technician~~] unless the  
5 person is registered under this subchapter.

6 SECTION 18. Section 1302.502, Occupations Code, is amended  
7 to read as follows:

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

10 (1) providing for the registration of trainees  
11 [~~technicians~~] as prescribed by this subchapter; and

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

14 SECTION 19. Section 1302.503, Occupations Code, is amended  
15 to read as follows:

16 Sec. 1302.503. SUPERVISION REQUIREMENTS FOR REGISTRANTS.  
17 An air conditioning and refrigeration trainee [~~technician~~] must be  
18 supervised by an air conditioning and refrigeration contractor or  
19 technician licensed under this chapter.

20 SECTION 20. Section 1302.507, Occupations Code, is amended  
21 to read as follows:

22 Sec. 1302.507. RENEWAL OF REGISTRATION. To renew a  
23 registration, a registered trainee [~~technician~~] must:

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

26 (2) pay the required renewal fee.

27 SECTION 21. Sections 1302.062 and 1302.508, Occupations

1 Code, are repealed.

2 SECTION 22. (a) Not later than January 1, 2012, the Texas  
3 Commission of Licensing and Regulation shall adopt the rules and  
4 approve the programs necessary to implement the changes in law made  
5 by this Act to Chapter 1302, Occupations Code.

6 (b) The changes in law made by this Act to the requirements  
7 for issuance of a license, certification, or registration under  
8 Chapter 1302, Occupations Code, apply only to an application  
9 submitted for the issuance or renewal of a license, certification,  
10 or registration under Chapter 1302, Occupations Code, on or after  
11 January 1, 2012. An application submitted before that date is  
12 governed by the law in effect on the date the application was  
13 submitted, and the former law is continued in effect for that  
14 purpose.

15 SECTION 23. (a) Except as provided by Subsection (b) of  
16 this section, this Act takes effect January 1, 2012.

17 (b) Section 22(a) of this Act takes effect September 1,  
18 2011.