

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Hamilton

H.B. No. 2643

A BILL TO BE ENTITLED

AN ACT

relating to safety standards for elevators, escalators, and related equipment.

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

SECTION 1. Sections 754.015(a), (b), and (d), Health and Safety Code, are amended to read as follows:

(a) The commission by rule shall provide for:

(1) an annual inspection and certification of the equipment covered by standards adopted under this subchapter;

(2) enforcement of those standards;

(3) registration of qualified inspectors and contractors;

(4) the form of inspection documents, contractor reports, and certificates of compliance;

(5) notification to building owners, architects, and other building industry professionals regarding the necessity of annually inspecting equipment;

(6) approval of continuing education programs for registered QEI-1 certified inspectors; ~~and~~

(7) standards of conduct for individuals who are registered under this subchapter;

(8) general liability insurance as a condition of contractor registration with coverage of not less than:

(A) \$1 million for each single occurrence of

1 bodily injury or death; and

2 (B) \$500,000 for each single occurrence of  
3 property damage;

4 (9) the submission and review of proposed plans for  
5 installation or alteration of equipment; and

6 (10) continuing education requirements for renewal of  
7 contractor registration.

8 (b) The commission by rule may not:

9 (1) require inspections of equipment to be made more  
10 often than every 12 months, except as provided by Subsection (c);

11 (2) require persons to post a bond or furnish  
12 insurance or to have minimum experience or education as a condition  
13 of certification or registration, except as otherwise provided by  
14 this chapter;

15 [~~(3) require building owners to submit to the~~  
16 ~~department proposed plans for equipment installation or~~  
17 ~~alteration,]~~ or

18 (3) [~~(4)~~] prohibit a QEI-1 certified inspector who is  
19 registered with the department from inspecting equipment.

20 (d) The executive director may charge a reasonable fee as  
21 set by the commission for:

22 (1) registering or renewing registration of an  
23 inspector;

24 (2) registering or renewing registration of a  
25 contractor;

26 (3) applying for a certificate of compliance;

27 (4) filing an inspection report as required by Section

1 754.019(a)(3), 30 days or more after the date the report is due, for  
2 each day the report remains not filed after the date the report is  
3 due;

4 (5) submitting for review proposals to install or  
5 alter equipment;

6 (6) reviewing and approving continuing education  
7 providers and courses for renewal of contractor registration;

8 (7) applying for a waiver, variance, or delay; and

9 (8) [~~6~~] attending a continuing education program  
10 sponsored by the department for registered QEI-1 inspectors.

11 SECTION 2. Section 754.0171(b), Health and Safety Code, is  
12 amended to read as follows:

13 (b) A contractor shall submit an application for  
14 registration or renewal of registration, as applicable, and pay  
15 appropriate fees to the department. The registration application  
16 form shall [~~may~~] require:

17 (1) information concerning the background,  
18 experience, and [~~or~~] identity of the applicant;

19 (2) designation of and information regarding the  
20 responsible party or parties under Section 754.0173; and

21 (3) documentation of fulfillment of the continuing  
22 education requirements for renewal of registration, if applicable.

23 SECTION 3. Subchapter B, Chapter 754, Health and Safety  
24 Code, is amended by adding Sections 754.0173 and 754.0174 to read as  
25 follows:

26 Sec. 754.0173. DESIGNATION OF RESPONSIBLE PARTY OR PARTIES.

27 (a) Each contractor who registers with the department must

1 designate at least one but not more than two responsible parties.

2 (b) A responsible party designated under this section must:

3 (1) have a minimum of three years of elevator  
4 contractor experience related to elevator installation, repair,  
5 and maintenance; and

6 (2) comply with the education, training, and  
7 continuing education requirements as determined by commission rule  
8 in order for an elevator contractor to renew an elevator contractor  
9 registration.

10 (c) The commission shall adopt rules regarding  
11 documentation of the required training and completion of the  
12 continuing education to accompany the application for  
13 registration.

14 (d) A responsible party may be added to or removed from the  
15 registration at any time by providing written notice to the  
16 department. If a responsible party is added to a registration, the  
17 written notice must include evidence that the responsible party  
18 meets the requirements of this section.

19 Sec. 754.0174. CONTINUING EDUCATION FOR RENEWAL OF  
20 CONTRACTOR REGISTRATIONS. (a) Each contractor's responsible party  
21 must complete continuing education requirements set by commission  
22 rule before the contractor may renew the contractor's registration.

23 (b) A provider of continuing education under this section  
24 must:

25 (1) register with the department; and

26 (2) comply with rules adopted by the commission  
27 relating to continuing education for elevator contractors and a

1 contractor's designated responsible party.

2 SECTION 4. (a) The Texas Commission of Licensing and  
3 Regulation shall adopt the rules required by Section 754.015(a)(8),  
4 Health and Safety Code, as added by this Act, not later than January  
5 1, 2012.

6 (b) The Texas Commission of Licensing and Regulation shall  
7 adopt the rules required by Sections 754.015(a)(9) and (10), Health  
8 and Safety Code, as added by this Act, not later than June 1, 2012.

9 SECTION 5. (a) The rules adopted under Section  
10 754.015(a)(8), Health and Safety Code, as added by this Act, apply  
11 only to an application or renewal application for registration of a  
12 contractor filed on or after March 31, 2012. An application or  
13 renewal application for registration of a contractor filed before  
14 that date is governed by the law in effect immediately before the  
15 effective date of this Act, and the former law is continued in  
16 effect for that purpose.

17 (b) The rules adopted under Section 754.015(a)(9), Health  
18 and Safety Code, as added by this Act, apply only to installation or  
19 alteration of equipment performed under a contract or work order  
20 entered into or issued on or after September 1, 2012. Installation  
21 or alteration of equipment performed under a contract or work order  
22 entered into or issued before September 1, 2012, is governed by the  
23 law in effect immediately before the effective date of this Act, and  
24 the former law is continued in effect for that purpose.

25 (c) Section 754.0173, Health and Safety Code, as added by  
26 this Act, applies only to a registration issued or renewed on or  
27 after September 1, 2011. A registration issued or renewed before

1 September 1, 2011, is covered by the law in effect immediately  
2 before the effective date of this Act, and the former law is  
3 continued in effect for that purpose.

4 (d) Section 754.0174, Health and Safety Code, as added by  
5 this Act, and the rules adopted under Section 754.015(a)(10),  
6 Health and Safety Code, as added by this Act, apply only to a  
7 renewal of registration issued on or after January 1, 2013. A  
8 renewal of registration issued before January 1, 2013, is covered  
9 by the law in effect immediately before the effective date of this  
10 Act, and the former law is continued in effect for that purpose.

11 SECTION 6. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2011.

ADOPTED

MAY 25 2011

*Atty Gen*  
Secretary of the Senate

By: (Sen. Watson) Hamilton

H.B. No. 2643

Substitute the following for \_\_\_B. No. \_\_\_\_\_:

By: Watson

C.S. \_\_\_B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

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AN ACT

2 relating to safety standards for elevators, escalators, and related  
3 equipment.

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

5 SECTION 1. Sections 754.015(a), (b), and (d), Health and  
6 Safety Code, are amended to read as follows:

7 (a) The commission by rule shall provide for:

8 (1) an annual inspection and certification of the  
9 equipment covered by standards adopted under this subchapter;

10 (2) enforcement of those standards;

11 (3) registration of qualified inspectors and  
12 contractors;

13 (4) the form of inspection documents, contractor  
14 reports, and certificates of compliance;

15 (5) notification to building owners, architects, and  
16 other building industry professionals regarding the necessity of  
17 annually inspecting equipment;

18 (6) approval of continuing education programs for  
19 registered QEI-1 certified inspectors; ~~and~~

20 (7) standards of conduct for individuals who are  
21 registered under this subchapter;

22 (8) general liability insurance as a condition of  
23 contractor registration with coverage of not less than:

24 (A) \$1 million for each single occurrence of

1 bodily injury or death; and

2 (B) \$500,000 for each single occurrence of  
3 property damage;

4 (9) the submission and review of plans for the  
5 installation or alteration of equipment; and

6 (10) continuing education requirements for renewal of  
7 contractor registration.

8 (b) The commission by rule may not:

9 (1) require inspections of equipment to be made more  
10 often than every 12 months, except as provided by Subsection (c);

11 (2) require persons to post a bond or furnish  
12 insurance or to have minimum experience or education as a condition  
13 of certification or registration, except as otherwise provided by  
14 this chapter;

15 [~~(3) require building owners to submit to the~~  
16 ~~department proposed plans for equipment installation or~~  
17 ~~alteration,] or~~

18 (3) [~~(4)~~] prohibit a QEI-1 certified inspector who is  
19 registered with the department from inspecting equipment.

20 (d) The executive director may charge a reasonable fee as  
21 set by the commission for:

22 (1) registering or renewing registration of an  
23 inspector;

24 (2) registering or renewing registration of a  
25 contractor;

26 (3) applying for a certificate of compliance;

27 (4) filing an inspection report as required by Section



1 754.019(a)(3), 30 days or more after the date the report is due, for  
2 each day the report remains not filed after the date the report is  
3 due;

4 (5) submitting for review plans for the installation  
5 or alteration of equipment;

6 (6) reviewing and approving continuing education  
7 providers and courses for renewal of contractor registration;

8 (7) applying for a waiver, variance, or delay; and

9 (8) [~~6~~] attending a continuing education program  
10 sponsored by the department for registered QEI-1 inspectors.

11 SECTION 2. Section 754.0171(b), Health and Safety Code, is  
12 amended to read as follows:

13 (b) A contractor shall submit an application for  
14 registration or renewal of registration, as applicable, and pay  
15 appropriate fees to the department. The registration application  
16 form shall [~~may~~] require:

17 (1) information concerning the background,  
18 experience, and [~~or~~] identity of the applicant;

19 (2) designation of and information regarding the  
20 responsible party or parties under Section 754.0173; and

21 (3) documentation of fulfillment of the continuing  
22 education requirements for renewal of registration, if applicable.

23 SECTION 3. Subchapter B, Chapter 754, Health and Safety  
24 Code, is amended by adding Sections 754.0173 and 754.0174 to read as  
25 follows:

26 Sec. 754.0173. DESIGNATION OF RESPONSIBLE PARTY OR PARTIES.

27 (a) Each contractor who registers with the department must

1 designate at least one but not more than two responsible parties.

2 (b) A responsible party designated under this section must:

3 (1) have a minimum of three years of elevator  
4 contractor experience related to elevator installation, repair,  
5 and maintenance; and

6 (2) comply with continuing education requirements as  
7 determined by commission rule in order for an elevator contractor  
8 to renew an elevator contractor registration.

9 (c) The commission shall adopt rules regarding  
10 documentation of the completion of the continuing education to  
11 accompany the application for registration.

12 (d) A responsible party may be added to or removed from the  
13 registration at any time by providing written notice to the  
14 department. If a responsible party is added to a registration, the  
15 written notice must include evidence that the responsible party  
16 meets the requirements of this section.

17 Sec. 754.0174. CONTINUING EDUCATION FOR RENEWAL OF  
18 CONTRACTOR REGISTRATIONS. (a) Each contractor's responsible party  
19 must complete continuing education requirements set by commission  
20 rule before the contractor may renew the contractor's registration.

21 (b) A provider of continuing education under this section  
22 must:

23 (1) register with the department; and

24 (2) comply with rules adopted by the commission  
25 relating to continuing education for a designated responsible  
26 party.

27 SECTION 4. The Texas Commission of Licensing and Regulation

1 shall adopt the rules required by Sections 754.015(a)(8), (9), and  
2 (10), Health and Safety Code, as added by this Act, not later than  
3 June 1, 2012.

4 SECTION 5. (a) The rules adopted under Section  
5 754.015(a)(8), Health and Safety Code, as added by this Act, apply  
6 only to an application or renewal application for registration of a  
7 contractor filed on or after September 1, 2012. An application or  
8 renewal application for registration of a contractor filed before  
9 that date is governed by the law in effect immediately before the  
10 effective date of this Act, and the former law is continued in  
11 effect for that purpose.

12 (b) The rules adopted under Section 754.015(a)(9), Health  
13 and Safety Code, as added by this Act, apply only to installation or  
14 alteration of equipment performed under a contract or work order  
15 entered into or issued on or after September 1, 2012. Installation  
16 or alteration of equipment performed under a contract or work order  
17 entered into or issued before September 1, 2012, is governed by the  
18 law in effect immediately before the effective date of this Act, and  
19 the former law is continued in effect for that purpose.

20 (c) Section 754.0173, Health and Safety Code, as added by  
21 this Act, applies only to a registration issued or renewed on or  
22 after September 1, 2012. A registration issued or renewed before  
23 September 1, 2012, is covered by the law in effect immediately  
24 before the effective date of this Act, and the former law is  
25 continued in effect for that purpose.

26 (d) Section 754.0174, Health and Safety Code, as added by  
27 this Act, and the rules adopted under Section 754.015(a)(10),

1 Health and Safety Code, as added by this Act, apply only to a  
2 registration that is renewed on or after January 1, 2013. A  
3 registration that is renewed before January 1, 2013, is covered by  
4 the law in effect immediately before the effective date of this Act,  
5 and the former law is continued in effect for that purpose.

6 SECTION 6. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2011.

# ADOPTED

MAY 25 2011

FLOOR AMENDMENT NO. 1

*Atty. Gen. Paul*  
Secretary of the Senate

BY:

*Carson*

1 Amend H.B. 2643 (senate committee printing) by adding the  
2 following appropriately numbered SECTIONS to the bill and  
3 renumbering subsequent SECTIONS accordingly:

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

7 (5-b) "Apprenticeship program" means an air  
8 conditioning and refrigeration training program that is:

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

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

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

16 (5-c) "Certified technician" means a registered  
17 technician who has completed a certification examination.

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

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

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

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

29 (3) implementing the requirements of this chapter as

1 applicable to persons, entities, and activities regulated under  
2 this chapter.

3 SECTION \_\_\_\_. Subsection (a), Section 1302.102, Occupations  
4 Code, is amended to read as follows:

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

7 SECTION \_\_\_\_. Section 1302.105, Occupations Code, is amended  
8 to read as follows:

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

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

15 SECTION \_\_\_\_. Section 1302.202, Occupations Code, is amended  
16 to read as follows:

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

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

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

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

30 (A) one member who holds a Class A license and  
31 practices in a municipality with a population of more than

1 250,000;

2 (B) one member who holds a Class B license and  
3 practices in a municipality with a population of more than  
4 250,000;

5 (C) one member who holds a Class A license and  
6 practices in a municipality with a population of more than  
7 25,000 but not more than 250,000; and

8 (D) one member who holds a Class B license and  
9 practices in a municipality with a population of not more than  
10 25,000.

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

16 SECTION \_\_\_. The heading to Subchapter F, Chapter 1302,  
17 Occupations Code, is amended to read as follows:

18 SUBCHAPTER F. AIR CONDITIONING AND REFRIGERATION CONTRACTORS

19 [~~LICENSE REQUIREMENTS~~]

20 SECTION \_\_\_. Section 1302.251, Occupations Code, is amended  
21 to read as follows:

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

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

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

5        SECTION \_\_. Section 1302.255, Occupations Code, is amended  
6 to read as follows:

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

9            (1) be at least 18 years old; and

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

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

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

23          (c) An applicant who obtains a degree or diploma or  
24 completes a certification program from an institution of higher  
25 education that holds a certificate of authority issued by the  
26 Texas Higher Education Coordinating Board, or an equivalent  
27 governing body in another state as approved by the executive  
28 director, may satisfy a portion of the practical experience  
29 requirement as follows:

30            (1) completing a four-year degree or diploma in air  
31 conditioning engineering or technology, refrigeration



1 engineering or technology, or mechanical engineering is  
2 equivalent to 24 months [~~two years~~] of practical experience [~~if:~~

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

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

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

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

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

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

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

29 (2) experience performing air conditioning and  
30 refrigeration-related work as described by Section 1302.055,  
31 1302.056, or 1302.057 or while employed by a governmental

1 entity.

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

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

7 (c) The application must be accompanied by:

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

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

12 SECTION \_\_\_. Subsection (b), Section 1302.257, Occupations  
13 Code, is amended to read as follows:

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

19 SECTION \_\_\_. Section 1302.260, Occupations Code, is amended  
20 to read as follows:

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

25 (1) submits a verified application;

26 (2) passes the applicable examination;

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

29 (4) pays the required fees; and

30 (5) [~~(2)~~] provides evidence of insurance coverage  
31 required by rule [~~the executive director~~] in accordance with

1 this chapter ~~and~~

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

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

6 SECTION \_\_\_\_. Section 1302.263, Occupations Code, is amended  
7 to read as follows:

8 Sec. 1302.263. LIMITATION ON LICENSE HOLDER [~~OR REGISTERED~~  
9 ~~TECHNICIAN~~]. A person licensed as a contractor under this  
10 subchapter [~~chapter~~] may not:

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

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

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

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

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

25 SECTION \_\_\_\_. Subsection (a), Section 1302.453, Occupations  
26 Code, is amended to read as follows:

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

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

31 (2) knowingly engages in air conditioning and

1 refrigeration maintenance work without holding a contractor  
2 license or technician registration issued under this chapter; or

3 (3) purchases a refrigerant or equipment containing a  
4 refrigerant in this state in violation of Section 1302.353,  
5 1302.355, or 1302.356.

6 SECTION \_\_\_. Section 1302.501, Occupations Code, is amended  
7 by amending Subsection (b) and adding Subsection (c) to read as  
8 follows:

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

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

14 (1) the total replacement of a system; or

15 (2) the installation or repair of a boiler or  
16 pressure vessel that must be installed in accordance with rules  
17 adopted under Chapter 755, Health and Safety Code.

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

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

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

26 SECTION \_\_\_. Section 1302.504, Occupations Code, is amended  
27 to read as follows:

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

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

3 SECTION \_\_. Section 1302.505, Occupations Code, is amended  
4 to read as follows:

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

8 (1) submits a verified application;

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

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

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

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

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

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

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

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

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

30 (2) assist a person who is not a licensed air  
31 conditioning and refrigeration contractor in the performance of

1 air conditioning and refrigeration maintenance work.

2 SECTION \_\_. The following sections of the Occupations Code  
3 are repealed:

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

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

14 (b) Section 1302.255, Occupations Code, as amended by this  
15 Act, applies only to an application for a license or  
16 registration under that section submitted to the Texas  
17 Department of Licensing and Regulation on or after November 1,  
18 2012. An application for a license, registration, or  
19 certification submitted under that section before that date is  
20 governed by the law in effect on the date the application was  
21 submitted, and the former law is continued in effect for that  
22 purpose.

# ADOPTED

FLOOR AMENDMENT NO. 2

MAY 25 2011

*Astley Spaw*  
Secretary of the Senate

BY:

*Y. Nelson*

1 Amend C.S.H.B. 2643 (senate committee printing) by adding  
2 the following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_. Section 711.008, Health and Safety Code, is  
5 amended by amending Subsection (b) and adding Subsection (h) to  
6 read as follows:

7 (b) Subsection (a) does not apply to:

8 (1) a cemetery heretofore established and operating;

9 (2) the establishment and use of a columbarium by an  
10 organized religious society or sect that is exempt from income  
11 taxation under Section 501(a), Internal Revenue Code of 1986, by  
12 being listed under Section 501(c)(3) of that code, as part of or  
13 attached to the principal church building owned by the society  
14 or sect;

15 (3) the establishment and use of a columbarium by an  
16 organized religious society or sect that is exempt from income  
17 taxation under Section 501(a), Internal Revenue Code of 1986, by  
18 being listed under Section 501(c)(3) of that code, on land that:

19 (A) is owned by the society or sect; and

20 (B) is part of the campus on which an existing  
21 principal church building is located;

22 (4) the establishment and use of a columbarium on the  
23 campus of a private or independent institution of higher  
24 education, as defined by Section 61.003, Education Code, that is  
25 wholly or substantially controlled, managed, owned, or supported  
26 by or otherwise affiliated with an organized religious society  
27 or sect that is exempt from income taxation under Section  
28 501(a), Internal Revenue Code of 1986, by being listed under  
29 Section 501(c)(3) of that code, if a place of worship is located  
30 on the campus; [~~or~~]

1           (5) the establishment and use of a mausoleum that is:  
2           (A) constructed beneath the principal church  
3 building owned by an organized religious society or sect that:  
4           (i) is exempt from income taxation under  
5 Section 501(a), Internal Revenue Code of 1986, by being listed  
6 under Section 501(c)(3) of that code; and  
7           (ii) has recognized religious traditions  
8 and practices of interring the remains of ordained clergy in or  
9 below the principal church building; and  
10           (B) used only for the interment of the remains  
11 of ordained clergy of that organized religious society or sect;  
12 or  
13           (6) the establishment and operation, if authorized in  
14 accordance with Subsection (h), of a perpetual care cemetery by  
15 an organized religious society or sect that:  
16           (A) is exempt from income taxation under Section  
17 501(a), Internal Revenue Code of 1986, by being listed under  
18 Section 501(c)(3) of that code;  
19           (B) has been in existence for at least five  
20 years;  
21           (C) has at least \$500,000 in assets; and  
22           (D) establishes and operates the cemetery on  
23 land that:  
24           (i) is owned by the society or sect;  
25           (ii) together with any other land owned by  
26 the society or sect and adjacent to the land on which the  
27 cemetery is located, is not less than 10 acres; and  
28           (iii) is in a municipality with a  
29 population of at least one million that is located predominantly  
30 in a county that has a total area of less than 1,000 square  
31 miles.



1       (h) The governing body of a municipality described by  
2 Subsection (b)(6)(D)(iii) may authorize the establishment and  
3 use in accordance with Subsection (b)(6) of a cemetery located  
4 inside the boundaries of the municipality if the municipality  
5 determines and states in the ordinance that the establishment or  
6 use of the cemetery does not adversely affect public health,  
7 safety, and welfare.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 25, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2643** by Hamilton (Relating to safety standards for elevators, escalators, and related equipment.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Occupations Code relating to safety standards for elevators, escalators, and related equipment.

The bill would amend the Occupations Code relating to the eligibility requirements for licenses for certain air conditioning and refrigeration contractors. The bill would repeal the following sections of the Occupations Code: Sections 1302.002(5-b) and (17); Section 1302.062; Section 1302.106; Section 1302.209; Sections 1302.257(c) and (d); Section 1302.261; Section 1302.502; Section 1302.506; and Section 1302.507.

The bill would amend the Health and Safety code relating to the establishment and operation of perpetual care cemeteries by certain organized religious societies and sects in certain municipalities.

Based on the analysis of the Department of Licensing and Regulation and the Higher Education Coordinating Board, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect immediately upon receiving a two-thirds majority vote in each house. If the bill does not receive a two-thirds vote in each house, the bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 451 Department of Banking, 452 Department of Licensing and Regulation, 781 Higher Education Coordinating Board

**LBB Staff:** JOB, AG, MW, CWS

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 23, 2011**

**TO:** Honorable John Carona, Chair, Senate Committee on Business & Commerce

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2643** by Hamilton (Relating to safety standards for elevators, escalators, and related equipment.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Occupations Code relating to safety standards for elevators, escalators, and related equipment.

Based on the analysis of the Department of Licensing and Regulation, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect immediately upon receiving a two-thirds majority vote in each house. If the bill does not receive a two-thirds vote in each house, the bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation

**LBB Staff:** JOB, AG, MW, CWS

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 20, 2011**

**TO:** Honorable John Carona, Chair, Senate Committee on Business & Commerce

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2643** by Hamilton (Relating to safety standards for elevators, escalators, and related equipment.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Occupations Code relating to safety standards for elevators, escalators, and related equipment.

Based on the analysis of the Department of Licensing and Regulation, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect immediately upon receiving a two-thirds majority vote in each house. If the bill does not receive a two-thirds vote in each house, the bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation

**LBB Staff:** JOB, AG, MW, CWS

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 27, 2011**

**TO:** Honorable Mike Hamilton, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE:** **HB2643** by Hamilton (Relating to safety standards for elevators, escalators, and related equipment.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Occupations Code relating to safety standards for elevators, escalators, and related equipment.

Based on the analysis of the Department of Licensing and Regulation, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect immediately upon receiving a two-thirds majority vote in each house. If the bill does not receive a two-thirds vote in each house, the bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation

**LBB Staff:** JOB, AG, MW, CWS

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 1, 2011**

**TO:** Honorable Mike Hamilton, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2643** by Hamilton (Relating to safety standards for elevators, escalators, and related equipment.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Occupations Code relating to safety standards for elevators, escalators, and related equipment.

Based on the analysis of the Department of Licensing and Regulation, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect immediately upon receiving a two-thirds majority vote in each house. If the bill does not receive a two-thirds vote in each house, the bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation

**LBB Staff:** JOB, AG, CWS