

BILL ANALYSIS

C.S.S.B. 617
By: Carona
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Industry observers note that there has been a growing demand for increased energy efficiency in homes and commercial establishments, which has been accompanied by increasingly complex energy efficiency options and methods. The observers contend that these developments have resulted in the need for more trained professionals to meet the growing and changing demand. There have, however, been reports of individuals without proper training or supervision who have offered to provide these services in a biased manner in order to justify sales. C.S.S.B. 617 seeks to address these concerns by establishing the Energy Efficiency Professionals Act.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTIONS 1 and 2 of this bill.

ANALYSIS

C.S.S.B. 617 amends the Occupations Code, effective September 1, 2014, to prohibit an individual from performing or offering to perform an energy efficiency evaluation, providing an energy efficiency report, or providing a recommendation regarding HVAC system design on covered premises, defined in the bill as a new home, existing home, or light commercial building, unless the individual is registered by the Texas Department of Licensing and Regulation (TDLR) as an energy efficiency professional. The bill sets out provisions relating to energy efficiency professional qualifications, the term of registration, endorsement requirements and procedures, and renewal procedures for a registration and an endorsement. The bill defines "light commercial building" as a commercial building that is three stories or less in height and uses an HVAC system with a unit having a size of five tons or 60,000 British thermal units per hour or less.

C.S.S.B. 617 requires the Texas Commission of Licensing and Regulation to adopt rules necessary for the implementation and administration of the bill's provisions and specifies certain topics about which the commission must adopt rules.

C.S.S.B. 617 requires the commission by rule to establish minimum general liability insurance requirements for an energy efficiency professional and requires the professional to maintain such insurance during the entire term of the person's registration. The bill requires the general liability insurance to be obtained from an insurer authorized to engage in the business of insurance in Texas or from an eligible surplus lines insurer. The bill requires TDLR to maintain and make available to the public a list of energy efficiency evaluation training or certification programs recognized by TDLR, HVAC system design training programs recognized by TDLR, and a directory of all registered energy efficiency professionals. The bill authorizes TDLR, as permitted by law, to examine any criminal conviction, guilty plea, or deferred adjudication of an applicant for the issuance or renewal of a registration and to obtain any criminal history record information of the applicant.

Effective September 1, 2014, C.S.S.B. 617 sets out the scope of practice for an energy efficiency professional and sets out provisions relating to conducting energy efficiency evaluations, including the minimum standards applicable to such an evaluation. The bill authorizes the commission by rule to review and adopt any subsequent revisions or replacements to those minimum standards and any other standards for performing evaluations for covered premises if the commission determines that the adoption is in the best interest of the public health, safety, or welfare. The bill requires the commission by rule to identify whether the standards are applicable to new homes, existing homes, or light commercial buildings. The bill sets out provisions relating to an energy efficiency professional accessing electrical panels and testing flue gas piping and provisions setting out required disclosures for certain energy efficiency reports. The bill defines "energy efficiency report" to mean a report or any recommendations provided to a consumer or building owner based on an energy efficiency evaluation.

Effective September 1, 2014, C.S.S.B. 617 sets out prohibited practices of a person registered under the bill's provisions and specifies that a person is subject to any disciplinary action that may be imposed on a license holder regulated by TDLR if the person violates the bill's provisions or a rule adopted under the bill's provisions or obtains a registration by fraud or false representation. The bill authorizes the commission or the executive director of TDLR to impose an administrative sanction or administrative penalty on a registration holder or person, as applicable, if the individual violates the bill's provisions, a rule adopted under the bill's provisions, or an order of the commission or executive director. The bill authorizes the executive director to issue a cease and desist order if the executive director determines that an order is necessary to prevent a violation of the bill's provisions or a rule adopted under those provisions or to protect the public health and safety. The bill authorizes the attorney general or the executive director to institute an action for an injunction or a civil penalty.

C.S.S.B. 617 exempts certain individuals from its provisions and makes its provisions apply to an energy efficiency evaluation performed on a covered premises, an energy efficiency report based on such an evaluation, and a recommendation made as a result of the evaluation. The bill specifies that a registered professional who performs an energy efficiency evaluation and produces an energy efficiency report or provides HVAC system design recommendations is not engaged in air conditioning and refrigeration contracting. The bill specifies that an exemption from the bill's provisions does not exempt an individual from complying with the requirements of the Air Conditioning and Refrigeration Contractor License Law and requires an individual who is otherwise exempt and who performs or offers to perform an evaluation, provide a report, or provide HVAC system design recommendations for the public outside the scope of the applicable exemption to obtain a registration.

C.S.S.B. 617 adds temporary provisions, set to expire January 1, 2015, to require TDLR to issue an initial registration, set to expire on the first anniversary of the date of issuance, to a qualified applicant who submits an application to TDLR not later than September 1, 2014; submits evidence satisfactory to TDLR that the applicant has been actively engaged in performing energy efficiency evaluations for at least 36 months; and complies with certain registration requirements under the bill's provisions. The bill requires TDLR to issue an appropriate endorsement for a specific covered premises to an individual holding an initial registration and requires the commission to adopt rules to determine which endorsement an individual holding an initial registration shall be issued based on the certification and training of the registration holder. The bill requires an energy efficiency professional to maintain the appropriate energy efficiency evaluation training certification in good standing in order to retain an initial registration.

C.S.S.B. 617 requires the commission, not later than March 1, 2014, to adopt rules required by the bill's provisions.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.S.B. 617 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Title 8, Occupations Code, is amended by adding Chapter 1307 to read as follows:

CHAPTER 1307. ENERGY EFFICIENCY PROFESSIONALS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1307.001. SHORT TITLE. This chapter may be cited as the Energy Efficiency Professionals Act.

Sec. 1307.002. DEFINITIONS. In this chapter:

(1) "ACCA" means the Air Conditioning Contractors of America.

(2) "ANSI" means the American National Standards Institute.

(3) "Commission" means the Texas Commission of Licensing and Regulation.

(4) "Covered premises" means a new home, existing home, or light commercial building.

(5) "Department" means the Texas Department of Licensing and Regulation.

(6) "Direct, on-site supervision" means supervision by an energy efficiency professional who is physically present on the premises where the work is performed at the time the work is performed.

(7) "Energy efficiency evaluation" means an analysis, assessment, or audit of the energy consumption and efficiency of a building.

(8) "Energy efficiency evaluation training or certification program" means a program accredited by a state or national organization that trains or certifies individuals to perform energy efficiency evaluations for covered premises.

(9) "Energy efficiency professional" means an individual who is registered with the department under this chapter.

(10) "Energy efficiency report" means a report or any recommendations provided to a consumer or building owner based on an energy efficiency evaluation.

(11) "Environmental air conditioning" has the meaning assigned by Section 1302.002.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Title 8, Occupations Code, is amended by adding Chapter 1307 to read as follows:

CHAPTER 1307. ENERGY EFFICIENCY PROFESSIONALS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1307.001. SHORT TITLE. This chapter may be cited as the Energy Efficiency Professionals Act.

Sec. 1307.002. DEFINITIONS. In this chapter:

(1) "ACCA" means the Air Conditioning Contractors of America.

(2) "Commission" means the Texas Commission of Licensing and Regulation.

(3) "Covered premises" means a new home, existing home, or light commercial building.

(4) "Department" means the Texas Department of Licensing and Regulation.

(5) "Direct, on-site supervision" means supervision by an energy efficiency professional who is physically present on the premises where the work is performed at the time the work is performed.

(6) "Energy efficiency evaluation" means an analysis, assessment, or audit of the energy consumption and efficiency of a building.

(7) "Energy efficiency evaluation training or certification program" means a program accredited by a state or national organization that trains or certifies individuals to perform energy efficiency evaluations for covered premises.

(8) "Energy efficiency professional" means an individual who is registered with the department under this chapter.

(9) "Energy efficiency report" means a report or any recommendations provided to a consumer or building owner based on an energy efficiency evaluation.

(10) "Environmental air conditioning" has the meaning assigned by Section 1302.002.

(12) "Executive director" means the executive director of the department.

(13) "Existing home" means a residential building that was built for the purpose of housing an individual and is occupied or has been previously occupied.

(14) "HVAC system" means a building's heating, ventilation, and air conditioning system.

(15) "HVAC system design training program" means a program accredited by a state or national organization that trains individuals on:

(A) the material covered by the ACCA manuals D, J, N, S, and T, as those manuals existed on September 1, 2013, and the ANSI/ACCA 5 Standard, as that standard existed on September 1, 2013; and

(B) making HVAC system design recommendations for covered premises.

(16) "Light commercial building" means a commercial building that:

(A) is three stories or less in height; and

(B) uses an HVAC system with a unit having a size of five tons or 60,000 British thermal units per hour or less.

(17) "New home" means a residential building that was built for the purpose of housing an individual and is not occupied and has not been previously occupied.

(18) "Performance testing" means the physical testing methodologies used in diagnosing or determining the conditions of a building, including:

(A) the condition of a blower door or duct blower;

(B) duct system leakage, air flow, and balance;

(C) humidity readings;

(D) static pressures;

(E) thermal imaging;

(F) supply and return temperature;

(G) combustion safety; and

(H) noninvasive refrigerant pressure readings.

(19) "Process cooling or heating" has the meaning assigned by Section 1302.002.

Sec. 1307.003. APPLICABILITY. (a) This chapter applies to:

(1) an energy efficiency evaluation performed on a covered premises;

(2) an energy efficiency report based on an

(11) "Executive director" means the executive director of the department.

(12) "Existing home" means a residential building that was built for the purpose of housing an individual and is occupied or has been previously occupied.

(13) "HVAC system" means a building's heating, ventilation, and air conditioning system.

(14) "HVAC system design training program" means a program accredited by a state or national organization that trains individuals with regard to or certifies that individuals have the skills necessary for:

(A) application of the material covered by the ACCA manuals B, D, H, J, N, S, and T, as those manuals existed on September 1, 2013, and the ACCA Standard 9, as that standard existed on September 1, 2013; and

(B) making HVAC system design recommendations for covered premises.

(15) "Light commercial building" means a commercial building that:

(A) is three stories or less in height; and

(B) uses an HVAC system with a unit having a size of five tons or 60,000 British thermal units per hour or less.

(16) "New home" means a residential building that was built for the purpose of housing an individual and is not occupied and has not been previously occupied.

(17) "Performance testing" means the physical testing methodologies used in diagnosing or determining the conditions of a building, including the following as prescribed by commission rule:

(A) the use of a blower door or duct leakage testing device;

(B) duct system leakage, air flow, and balance;

(C) humidity readings;

(D) static pressures;

(E) thermal imaging;

(F) supply and return temperature;

(G) combustion safety; and

(H) noninvasive refrigerant pressure readings.

(18) "Process cooling or heating" has the meaning assigned by Section 1302.002.

Sec. 1307.003. APPLICABILITY. (a) This chapter applies to:

(1) an energy efficiency evaluation performed on a covered premises;

(2) an energy efficiency report based on an

energy efficiency evaluation described by Subdivision (1); and
(3) a recommendation made as a result of an energy efficiency evaluation.

(b) A registered energy efficiency professional who performs an energy efficiency evaluation and produces an energy efficiency report or provides HVAC system design recommendations is not engaged in air conditioning and refrigeration contracting as defined by Section 1302.002.

Sec. 1307.004. EXEMPTIONS. (a)

This chapter does not apply to an individual who performs an energy efficiency evaluation, provides an energy efficiency report, or makes an HVAC system design recommendation and who:

(1) is licensed as or employed by:

(A) an engineer licensed under Chapter 1001;

(B) an architect licensed under Chapter 1051; or

(C) an air conditioning and refrigeration contractor licensed under Chapter 1302; or

(2) is employed by:

(A) an electric utility, power generation company, retail electric provider, electric cooperative, or municipally owned utility; or

(B) a utility program management firm for the purposes of performing quality assurance.

(b) An individual is not required to be registered under this chapter if the individual is working under the direct, on-site supervision of an energy efficiency professional.

(c) An exemption under this section does not exempt an individual from complying

energy efficiency evaluation described by Subdivision (1); and
(3) a recommendation made as a result of an energy efficiency evaluation.

(b) A registered energy efficiency professional who performs an energy efficiency evaluation and produces an energy efficiency report or provides HVAC system design recommendations is not engaged in air conditioning and refrigeration contracting as defined by Section 1302.002.

Sec. 1307.004. EXEMPTIONS.

(b) This chapter does not apply to an individual who performs an energy efficiency evaluation, provides an energy efficiency report, or provides an HVAC system design recommendation and who is licensed as or who is employed by an individual who is licensed as:

(1) an engineer under Chapter 1001; or

(2) an architect under Chapter 1051.

(a) This chapter does not apply to an individual who is licensed or registered under Chapter 1302 and who performs an energy efficiency evaluation, provides an energy efficiency report, or provides an HVAC system design recommendation within the scope of the individual's license or registration.

(c) This chapter does not apply to an individual who is employed by an electric utility, power generation company, retail electric provider, electric cooperative, or municipally owned utility and who performs an energy efficiency evaluation related to or in connection with the business in which the individual is employed.

(d) This chapter does not apply to an individual who is employed by a utility program management firm for the purpose of performing program quality assurance and who performs an energy efficiency evaluation related to or in connection with the business in which the individual is employed.

(f) An individual is not required to be registered under this chapter if the individual is working under the direct, on-site supervision of an energy efficiency professional.

(g) An exemption under this section does not exempt an individual from complying

with the requirements of Chapter 1302.

(d) An individual who is otherwise exempt under this section is required to obtain a registration under this chapter if the individual performs or offers to perform an energy efficiency evaluation, provides an energy efficiency report, or makes HVAC system design recommendations for the public not in the scope of the individual's employment.

(e) This chapter does not apply to a building code compliance inspector who reviews or inspects a building for building code compliance in the scope of the individual's employment or contract while employed by or under contract with a local governmental entity or building contractor.

SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION AND DEPARTMENT

Sec. 1307.051. RULES.

Sec. 1307.052. INSURANCE REQUIREMENTS. (a) The commission by rule shall establish minimum general liability insurance requirements for an energy efficiency professional.

(b) An energy efficiency professional must maintain insurance as prescribed by commission rule during the entire term of the person's registration.

Sec. 1307.053. LIST OF RECOGNIZED PROGRAMS.

Sec. 1307.054. LIST OF ENERGY EFFICIENCY PROFESSIONALS.

Sec. 1307.055. CRIMINAL BACKGROUND CHECKS.

SUBCHAPTER C. REGISTRATION

Sec. 1307.101. REGISTRATION REQUIRED.

Sec. 1307.102. QUALIFICATIONS;

with the requirements of Chapter 1302.

(h) An individual who is otherwise exempt under this section and who performs or offers to perform an energy efficiency evaluation, provides an energy efficiency report, or provides HVAC system design recommendations for the public outside the scope of the applicable exemption under this section is required to obtain a registration under this chapter.

(e) This chapter does not apply to a building code compliance inspector who reviews or inspects a building for building code compliance in the scope of the individual's employment or contract while employed by or under contract with a local governmental entity or building contractor.

SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION AND DEPARTMENT

Sec. 1307.051. RULES.

Sec. 1307.052. INSURANCE REQUIREMENTS. (a) The commission by rule shall establish minimum general liability insurance requirements for an energy efficiency professional.

(b) An energy efficiency professional must maintain insurance as prescribed by commission rule during the entire term of the person's registration.

(c) The general liability insurance required by this section must be obtained from an insurer authorized to engage in the business of insurance in this state or from an eligible surplus lines insurer, as defined by Section 981.002, Insurance Code.

Sec. 1307.053. LIST OF RECOGNIZED PROGRAMS.

Sec. 1307.054. LIST OF ENERGY EFFICIENCY PROFESSIONALS.

Sec. 1307.055. CRIMINAL BACKGROUND CHECKS.

SUBCHAPTER C. REGISTRATION

Sec. 1307.101. REGISTRATION REQUIRED.

Sec. 1307.102. QUALIFICATIONS;

TERM OF REGISTRATION. (a) The department shall register an applicant who:

(1) holds an appropriate certification from an energy efficiency evaluation training or certification program recognized by the department;

(2) performs at least five energy efficiency evaluations under the direct, on-site supervision of an energy efficiency professional;

(3) demonstrates proof of:

(A) completion of an HVAC system design training program, if applicable; and

(B) insurance as required by commission rule;

(4) submits the application and fees required by the commission; and

(5) passes a criminal history record information check.

(b) The department may credit towards the requirement of Subsection (a)(2) an applicant's verified experience in performing energy efficiency evaluations earned while working in another jurisdiction, during military training or service, or through other experience as determined by the executive director.

(c) A registration issued under this chapter expires on the first anniversary of the date the registration was issued.

(d) An energy efficiency professional shall maintain the certification described by Subsection (a)(1) in good standing in order to retain a registration issued under this chapter.

Sec. 1307.103. ENDORSEMENT REQUIRED.

Sec. 1307.104. PREMISES ENDORSEMENTS.

Sec. 1307.105. HVAC SYSTEM DESIGN ENDORSEMENT. The HVAC system design endorsement allows the holder to provide recommendations regarding the HVAC system design of covered premises. The department may issue an HVAC system design endorsement to a registration holder if the holder:

(1) satisfies the requirement of Section 1307.102(a)(1);

TERM OF REGISTRATION. (a) The department shall register an applicant who:

(1) holds an appropriate certification from an energy efficiency evaluation training or certification program recognized by the department;

(2) performs at least five energy efficiency evaluations:

(B) under the direct, on-site supervision of an energy efficiency professional; or

(A) as part of the recognized training or certification program under Subdivision (1);

(3) demonstrates proof of insurance as required by commission rule;

(4) submits the application and fees required by the commission; and

(5) passes a criminal history record information check.

(b) The department may credit toward the requirement of Subsection (a)(2) an applicant's verified experience in performing energy efficiency evaluations earned while working in another jurisdiction, during military training or service, or through other experience as determined by the executive director.

(c) A registration issued under this chapter expires on the first anniversary of the date the registration was issued.

(d) An energy efficiency professional shall maintain the certification described by Subsection (a)(1) in good standing in order to retain a registration issued under this chapter.

Sec. 1307.103. ENDORSEMENT REQUIRED.

Sec. 1307.104. PREMISES ENDORSEMENTS.

Sec. 1307.105. HVAC SYSTEM DESIGN ENDORSEMENT. The HVAC system design endorsement allows the holder to provide recommendations regarding the HVAC system design of covered premises. The department may issue an HVAC system design endorsement to a registration holder if the holder:

(1) satisfies the requirement of Section 1307.102(a)(1);

(2) provides proof that the applicant has successfully completed at least 80 hours of training from an HVAC design training program recognized by the department; and
(3) has been issued a premises endorsement under Section 1307.104(b).

Sec. 1307.106. RENEWAL OF REGISTRATION AND ENDORSEMENTS.

SUBCHAPTER D. PRACTICE OF ENERGY EFFICIENCY PROFESSIONALS

Sec. 1307.151. SCOPE OF PRACTICE.
(a) An energy efficiency professional shall conduct an energy efficiency evaluation for a covered premises consistent with the scope of the energy efficiency professional's registration and endorsements.

(b) An energy efficiency professional shall provide an energy efficiency report to a consumer based on the information discovered in an energy efficiency evaluation and consistent with the energy efficiency professional's registration and endorsements.

(c) An energy efficiency professional shall provide recommendations regarding HVAC system design consistent with the energy efficiency professional's registration and endorsements and based on the ACCA manuals, as applicable.

Sec. 1307.152. CONDUCTING ENERGY EFFICIENCY EVALUATIONS. (a) An energy efficiency evaluation may include the inspection, testing, investigation, or surveying of a building to evaluate, measure, or quantify the building's energy consumption and efficiency, including:

- (1) verification of the building's HVAC system;
- (2) inspection of the integrity of the building envelope, including air leakage, durability, and insulation;
- (3) inspection and evaluation of the efficiency of the building's lighting, electronics, and appliances; and
- (4) performance testing.

(b) The following are the minimum standards applicable to an energy efficiency

(2) provides proof that the applicant has successfully completed at least 60 hours of training from an HVAC design training program recognized by the department; and
(3) has been issued a premises endorsement under Section 1307.104(b).

Sec. 1307.106. RENEWAL OF REGISTRATION AND ENDORSEMENTS.

SUBCHAPTER D. PRACTICE OF ENERGY EFFICIENCY PROFESSIONALS

Sec. 1307.151. SCOPE OF PRACTICE.
(a) An energy efficiency professional shall conduct an energy efficiency evaluation for a covered premises consistent with the scope of the energy efficiency professional's registration and endorsements and the applicable standards for performing energy efficiency evaluations.

(b) An energy efficiency professional shall provide an energy efficiency report to a consumer based on the information discovered in an energy efficiency evaluation and consistent with the energy efficiency professional's registration and endorsements.

(c) An energy efficiency professional shall provide recommendations regarding HVAC system design consistent with the energy efficiency professional's registration and endorsements and based on the ACCA manuals, as applicable.

Sec. 1307.152. CONDUCTING ENERGY EFFICIENCY EVALUATIONS. (a) An energy efficiency evaluation may include the inspection, testing, investigation, or surveying of a building to evaluate, measure, or quantify the building's energy consumption and efficiency, including:

- (1) verification of the building's HVAC system;
- (2) inspection of the integrity of the building envelope, including air leakage, durability, and insulation;
- (3) inspection and evaluation of the efficiency of the building's lighting, electronics, and appliances; and
- (4) performance testing.

(b) The following are the minimum standards applicable to an energy efficiency

evaluation:

(1) the International Energy Conservation Code, as adopted by the International Code Council and the State Energy Conservation Office under Section 388.003, Health and Safety Code;

(2) the International Residential Code for One- and Two-Family Dwellings, Chapter 11, as adopted by the International Code Council and the State Energy Conservation Office under Section 388.003, Health and Safety Code;

(3) the Residential Energy Services Network Mortgage Industry National Home Energy Rating Systems Standards, Chapters 3, 6, 7, 8, and 9, as those chapters existed on September 1, 2013;

(4) ANSI/ACCA Standards 5, 9, and 12, as those standards existed on September 1, 2013;

(5) the residential environmental air conditioning system design standards under ACCA manuals D, J, N, S, and T, as those standards existed on September 1, 2013;

(6) the Texas Home Energy Rating Organization's Texas Home Energy Audit Technical Standard, as that standard existed on September 1, 2013;

(7) the Building Performance Institute, Inc., Home Energy Auditing Standard, as that standard existed on September 1, 2013; and

(8) the American Society of Heating, Refrigerating, and Air-Conditioning Engineers Procedures for Commercial Building Energy Audits, as those procedures existed on September 1, 2013.

(c) The commission by rule may review and adopt any subsequent revisions or replacements to the standards under Subsection (b) if the commission determines that adoption of the revision or replacement is in the best interest of the public health, safety, or welfare.

(d) The commission by rule may review and adopt any other standards for performing energy efficiency evaluations for covered premises if the commission determines that adoption of the standard is in the best interest of the public health, safety, or welfare.

(e) The commission by rule shall identify whether the standards under this section are applicable to new homes, existing homes, or light commercial buildings.

evaluation:

(1) the International Energy Conservation Code, as adopted by the International Code Council and the State Energy Conservation Office under Section 388.003, Health and Safety Code;

(2) the International Residential Code, Chapter 11, for One- and Two-Family Dwellings, as adopted by the International Code Council and the State Energy Conservation Office under Section 388.003, Health and Safety Code;

(3) the Residential Energy Services Network Mortgage Industry National Home Energy Rating Systems Standards, Chapters 3, 6, 7, 8, 9, and 10, as those chapters existed on September 1, 2013;

(4) ACCA Standards 5, 9, and 12, as those standards existed on September 1, 2013;

(5) the residential environmental air conditioning system design standards under ACCA manuals B, D, H, J, N, S, and T, as those standards existed on September 1, 2013;

(6) the Texas Home Energy Rating Organization's Texas Home Energy Audit Technical Standard, as that standard existed on September 1, 2013;

(7) the Building Performance Institute, Inc., Home Energy Auditing Standard, as that standard existed on September 1, 2013; and

(8) the American Society of Heating, Refrigerating, and Air Conditioning Engineers Procedures for Commercial Building Energy Audits Levels I and II, as those procedures existed on September 1, 2013.

(c) The commission by rule may review and adopt any subsequent revisions or replacements to the standards under Subsection (b) if the commission determines that adoption of the revision or replacement is in the best interest of the public health, safety, or welfare.

(d) The commission by rule may review and adopt any other standards for performing energy efficiency evaluations for covered premises if the commission determines that adoption of the standard is in the best interest of the public health, safety, or welfare.

(e) The commission by rule shall identify whether the standards under this section are applicable to new homes, existing homes, or light commercial buildings.

Sec. 1307.153. ACCESS TO ELECTRICAL PANELS

Sec. 1307.154. FLUE GAS PIPE TESTING.

Sec. 1307.155. REQUIRED DISCLOSURES.

SUBCHAPTER E. ENFORCEMENT

Sec. 1307.201. PROHIBITED PRACTICES.

Sec. 1307.202. DISCIPLINARY ACTION.

Sec. 1307.203. ADMINISTRATIVE SANCTIONS.

Sec. 1307.204. ADMINISTRATIVE PENALTY.

Sec. 1307.205. CEASE AND DESIST; CIVIL PENALTY; INJUNCTION.

SUBCHAPTER F. INITIAL REGISTRATION

Sec. 1307.251. INITIAL REGISTRATION.

Sec. 1307.252. ENDORSEMENT OF INITIAL REGISTRATION.

Sec. 1307.253. TERM.

Sec. 1307.254. REQUIREMENT TO MAINTAIN CERTIFICATION.

Sec. 1307.255. EXPIRATION OF SUBCHAPTER. This subchapter expires October 1, 2015.

SECTION 2. Not later than March 1, 2014, the Texas Commission of Licensing and Regulation shall adopt rules required by Chapter 1307, Occupations Code, as added by this Act.

SECTION 3. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2013.

Sec. 1307.153. ACCESS TO ELECTRICAL PANELS.

Sec. 1307.154. FLUE GAS PIPE TESTING.

Sec. 1307.155. REQUIRED DISCLOSURES.

SUBCHAPTER E. ENFORCEMENT

Sec. 1307.201. PROHIBITED PRACTICES.

Sec. 1307.202. DISCIPLINARY ACTION.

Sec. 1307.203. ADMINISTRATIVE SANCTIONS.

Sec. 1307.204. ADMINISTRATIVE PENALTY.

Sec. 1307.205. CEASE AND DESIST; CIVIL PENALTY; INJUNCTION.

SUBCHAPTER F. INITIAL REGISTRATION

Sec. 1307.251. INITIAL REGISTRATION.

Sec. 1307.252. ENDORSEMENT OF INITIAL REGISTRATION.

Sec. 1307.253. TERM.

Sec. 1307.254. REQUIREMENT TO MAINTAIN CERTIFICATION.

Sec. 1307.255. EXPIRATION OF SUBCHAPTER. This subchapter expires January 1, 2015.

SECTION 2. Same as engrossed version.

SECTION 3. Same as engrossed version.

(b) Section 1307.101 and Subchapters D and E, Chapter 1307, Occupations Code, as added by this Act, take effect September 1, 2014.