

BILL ANALYSIS

H.B. 3029
By: Frullo
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that the demand for jobs within the air conditioning and refrigeration industry will increase significantly in the coming years and that the supply of trained workers within this industry in Texas and across the nation is insufficient to meet this demand. H.B. 3029 seeks to make changes that will help encourage individuals to enter this industry.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3029 repeals an Occupations Code provision authorizing a registered air conditioning and refrigeration technician who satisfies certain eligibility requirements to be certified by the Texas Department of Licensing and Regulation (TDLR) and use the designation "certified technician." This repeal expressly does not affect the validity of a certification issued by TDLR before January 1, 2018.

H.B. 3029 amends the Occupations Code to give a person acting as or offering to act as an air conditioning and refrigeration technician the option of being certified under the Air Conditioning and Refrigeration Contractor License Law as an alternative to being registered under that law. The bill requires an applicant for a technician certification to be at least 18 years old; to have completed in the preceding 48 months a certification training program that is approved by TDLR and consists of at least 2,000 hours of a combination of classroom instruction that is taught by an instructor approved by TDLR and practical experience in air conditioning and refrigeration-related work under the supervision of a licensed air conditioning and refrigeration contractor or have completed 24 consecutive months of air conditioning and refrigeration-related work under the supervision of a licensed air conditioning and refrigeration contractor or as part of the applicant's military occupational specialty within the U.S. armed forces; and to provide TDLR with proof that the applicant successfully completed a competency examination as part of such a certification training program or another examination of equal or greater difficulty administered by TDLR.

H.B. 3029 requires TDLR to issue an air conditioning and refrigeration technician certification to an applicant who submits a verified application, passes a competency examination, meets the requirements of the Air Conditioning and Refrigeration Contractor License Law and the rules adopted under that law, and pays the required fees. The bill authorizes an applicant who receives

a technician certification to use the designation "certified technician" and sets a certification issued under the bill's provisions to expire on the first anniversary of the date of issuance. The bill includes rules providing for technician certification among the rules the Texas Commission of Licensing and Regulation is required to adopt under the Air Conditioning and Refrigeration Contractor License Law and applies provisions of that law relating to application and fee requirements for technician registration and limitations on a registered technician to an applicant for a technician certification and a certified technician, respectively. The bill establishes that a proceeding for the denial of a certification and an appeal from that proceeding are governed by the Administrative Procedure Act and that a certification is valid throughout the state. The bill revises the conduct constituting a Class C misdemeanor offense under the Air Conditioning and Refrigeration Contractor License Law to reflect the certification option.

H.B. 3029 gives an applicant for an air conditioning and refrigeration contractor license the option of having held a technician certification for the preceding 12 months and having at least 36 months of practical experience in air conditioning and refrigeration-related work under the supervision of a licensed air conditioning and refrigeration contractor in the preceding 48 months as an alternative to having at least 48 months of practical experience in air conditioning and refrigeration-related work under the supervision of a licensed air conditioning and refrigeration contractor in the preceding 72 months for purposes of establishing eligibility for the license. The bill includes a certified technician among the persons a licensed air conditioning and refrigeration contractor may use to assist in the performance of air conditioning and refrigeration maintenance work.

H.B. 3029 requires the commission, not later than December 31, 2017, to adopt rules implementing the bill's provisions. The bill's provisions relating to air conditioning and refrigeration technicians apply only to an application for a technician certification submitted to TDLR on or after January 1, 2018.

H.B. 3029 repeals Section 1302.508, Occupations Code.

EFFECTIVE DATE

September 1, 2017.