

By: Walle

H.B. No. 2597

A BILL TO BE ENTITLED

AN ACT

relating to the licensing of air conditioning and refrigeration technicians and trainees; authorizing fees.

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

SECTION 1. Section 1302.002, Occupations Code, is amended by amending Subdivision (5-a) and adding Subdivisions (11-b) and (11-c) to read as follows:

(5-a) "Air conditioning and refrigeration technician" and "air conditioning and refrigeration trainee" mean ~~[means]~~ a person who assists a licensed air conditioning and refrigeration contractor in performing air conditioning and refrigeration maintenance work.

(11-b) "Licensed technician" means an air conditioning and refrigeration technician who is licensed with the department.

(11-c) "Licensed trainee" means an air conditioning and refrigeration trainee who is licensed with the department.

SECTION 2. Section 1302.1011, Occupations Code, is amended to read as follows:

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

(1) providing for the licensing ~~[and registration]~~ of persons under this chapter, including requirements for the issuance and renewal of a contractor license, ~~[and]~~ a technician license, and a trainee license ~~[registration]~~;

(2) establishing fees necessary for the administration of this chapter, including fees for issuance and renewal of a contractor license, ~~[and]~~ a technician license, and a trainee license ~~[registration]~~; and

(3) implementing the requirements of this chapter as applicable to persons, entities, and activities regulated under this chapter.

SECTION 3. Section 1302.263, Occupations Code, is amended to read as follows:

Sec. 1302.263. LIMITATION ON LICENSE HOLDER. A person licensed as a contractor under this chapter may not:

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

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

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

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

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

SECTION 4. Section 1302.402, Occupations Code, is amended to read as follows:

1 Sec. 1302.402. ADMINISTRATIVE PROCEDURES. A proceeding for
2 the denial of a license [~~or registration~~] application or
3 disciplinary action and an appeal from that proceeding are governed
4 by Chapter 2001, Government Code.

5 SECTION 5. Section 1302.453(a), Occupations Code, is
6 amended to read as follows:

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

8 (1) knowingly engages in air conditioning and
9 refrigeration contracting without holding a license issued under
10 this chapter; or

11 (2) knowingly engages in air conditioning and
12 refrigeration maintenance work without holding a contractor
13 license, ~~[or]~~ technician license, or trainee license
14 [~~registration~~] issued under this chapter.

15 SECTION 6. Section 1302.501, Occupations Code, is amended
16 to read as follows:

17 Sec. 1302.501. LICENSE [~~REGISTRATION~~] REQUIRED. (a) A
18 person may not act or offer to act as an air conditioning and
19 refrigeration technician unless the person is licensed
20 [~~registered~~] under this subchapter.

21 (b) An air conditioning and refrigeration technician
22 license [~~registration~~] is valid throughout the state.

23 (c) A person is not required to obtain an air conditioning
24 and refrigeration technician license [~~registration~~] if the person
25 only assists a licensed contractor in performing:

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

27 (2) the installation or repair of a boiler or pressure

vessel that must be installed in accordance with rules adopted under Chapter 755, Health and Safety Code.

SECTION 7. The heading to Section 1302.503, Occupations Code, is amended to read as follows:

Sec. 1302.503. SUPERVISION REQUIREMENTS FOR LICENSED TECHNICIANS [~~REGISTRANTS~~].

SECTION 8. Section 1302.5035, Occupations Code, is amended to read as follows:

Sec. 1302.5035. ELIGIBILITY REQUIREMENTS. (a) An applicant for a technician license [~~registration~~] under this subchapter must:

(1) be at least 18 years old; and

(2) have at least 12 months of practical experience in air conditioning and refrigeration maintenance in the preceding 24 months under the supervision of a licensed air conditioning and refrigeration contractor.

(b) Notwithstanding the requirements of Subsection (a)(2), an applicant may satisfy a portion of the practical experience requirement as provided by Subsection (c).

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

(1) completing a four-year degree or diploma in air

conditioning engineering, refrigeration technology or engineering, or mechanical engineering is equivalent to 24 months of practical experience;

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

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

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

(e) Notwithstanding the requirements of Subsection (a)(2), each of the following qualifies as practical experience for purposes of satisfying the 12-month requirement:

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

(2) experience performing air conditioning and refrigeration-related work that is:

(A) described by Section [1302.054](#), [1302.055](#), [1302.056](#), or [1302.057](#); and

(B) approved by the executive director. ~~An~~

1 ~~applicant for a technician registration is not required to have~~
2 ~~practical experience or to take an examination to obtain the~~
3 ~~registration.]~~

4 SECTION 9. Section 1302.504, Occupations Code, is amended
5 to read as follows:

6 Sec. 1302.504. APPLICATION; FEE. (a) An applicant for an
7 air conditioning and refrigeration technician license
8 ~~[registration]~~ must submit a verified application on a form
9 prescribed by the executive director.

10 (b) The completed application must be accompanied by:

11 (1) a statement containing evidence satisfactory to
12 the executive director of the applicant's practical experience; and

13 (2) the required fees.

14 SECTION 10. Subchapter K, Chapter 1302, Occupations Code,
15 is amended by adding Section 1302.5045 to read as follows:

16 Sec. 1302.5045. EXAMINATION. The executive director shall
17 prescribe an examination for an air conditioning and refrigeration
18 technician license, including the method, content, and compliance
19 requirements.

20 SECTION 11. Section 1302.505, Occupations Code, is amended
21 to read as follows:

22 Sec. 1302.505. ISSUANCE AND TERM OF TECHNICIAN LICENSE
23 ~~[REGISTRATION]~~. (a) The department shall issue an air
24 conditioning and refrigeration technician license ~~[registration]~~
25 to an applicant who:

26 (1) submits a verified application;

27 (2) meets the requirements of this chapter and rules

adopted under this chapter; ~~and~~

(3) passes the applicable examination; and

(4) pays the required fees.

(b) A license ~~[registration]~~ issued under this subchapter is valid for one year from the date of issuance.

SECTION 12. Section 1302.506, Occupations Code, is amended to read as follows:

Sec. 1302.506. TEMPORARY LICENSE ~~[REGISTRATION]~~. (a) An applicant for a license ~~[registration]~~ may request a temporary license ~~[registration]~~. The executive director shall issue a temporary license ~~[registration]~~ that expires on the 21st day after the date of issuance to an applicant who meets the qualifications for a temporary license ~~[registration]~~.

(b) The commission shall adopt rules providing for the issuance of a temporary license ~~[registration]~~ under this section, including the qualifications and fee required for the license ~~[registration]~~.

SECTION 13. Section 1302.508, Occupations Code, is amended to read as follows:

Sec. 1302.508. CERTIFIED TECHNICIAN. A licensed ~~[registered]~~ technician may be certified by the department and use the designation "certified technician" if the licensed ~~[registered]~~ technician:

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

(2) pays the application fee; and

(3) provides the department with proof that the

1 licensed [~~registered~~] technician successfully completed a
2 nationally recognized and administered certification examination
3 or another examination of equal or greater difficulty approved by
4 the department.

5 SECTION 14. Section 1302.509, Occupations Code, is amended
6 to read as follows:

7 Sec. 1302.509. PROHIBITED PRACTICES [~~LIMITATIONS ON~~
8 ~~REGISTRANT~~]. A person licensed [~~registered~~] under this subchapter
9 may not:

10 (1) perform, offer to perform, or attempt to perform
11 an act that is:

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

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

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

19 (2) assist or work with a person who is not a licensed
20 air conditioning and refrigeration contractor in the performance of
21 air conditioning and refrigeration maintenance work.

22 SECTION 15. Chapter 1302, Occupations Code, is amended by
23 adding Subchapter L to read as follows:

24 SUBCHAPTER L. AIR CONDITIONING AND REFRIGERATION TRAINEES

25 Sec. 1302.551. LICENSE REQUIRED. (a) A person may not act
26 or offer to act as an air conditioning and refrigeration trainee
27 unless the person is licensed under this subchapter.

1 (b) An air conditioning and refrigeration trainee license
2 is valid throughout the state.

3 Sec. 1302.552. SUPERVISION REQUIREMENTS FOR LICENSED
4 TRAINEES. A licensed trainee must be supervised by an air
5 conditioning and refrigeration contractor licensed under this
6 chapter.

7 Sec. 1302.553. ELIGIBILITY REQUIREMENTS. (a) An applicant
8 for a trainee license under this subchapter must be at least 18
9 years old.

10 (b) An applicant for a trainee license is not required to
11 have practical experience or to take an examination to obtain the
12 license.

13 Sec. 1302.554. APPLICATION; FEES. (a) An applicant for an
14 air conditioning and refrigeration trainee license must submit a
15 verified application on a form prescribed by the executive
16 director.

17 (b) The completed application must be accompanied by the
18 required fees.

19 Sec. 1302.555. ISSUANCE AND TERM OF TRAINEE LICENSE. (a)
20 The department shall issue an air conditioning and refrigeration
21 trainee license to an applicant who:

22 (1) submits a verified application on a form
23 prescribed by the executive director;

24 (2) meets the requirements of this chapter and rules
25 adopted under this chapter; and

26 (3) pays the required fees.

27 (b) A license issued under this subchapter is valid for one

year from the date of issuance.

Sec. 1302.556. TEMPORARY LICENSE. (a) An applicant for a trainee license may request a temporary license. The executive director shall issue a temporary license that expires on the 21st day after the date of issuance to an applicant who meets the qualifications for a temporary license.

(b) The commission shall adopt rules providing for the issuance of a temporary license under this section, including the qualifications and fee required for the license.

Sec. 1302.557. LIMITATIONS ON LICENSE HOLDER. A person licensed under this subchapter may not:

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

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

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

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

(2) assist a person who is not a licensed air conditioning and refrigeration contractor in the performance of air conditioning and refrigeration maintenance work; or

(3) work with a person or business entity that is not an air conditioning and refrigeration contracting company complying with Section 1302.252 in the performance of air conditioning and refrigeration maintenance work.

1 SECTION 16. Section 1302.002(17), Occupations Code, is
2 repealed.

3 SECTION 17. (a) Not later than February 1, 2018, the Texas
4 Commission of Licensing and Regulation shall adopt rules to
5 implement the changes in law made by this Act to Chapter 1302,
6 Occupations Code.

7 (b) The Texas Commission of Licensing and Regulation shall
8 adopt rules to convert and renew an air conditioning and
9 refrigeration registration issued before March 1, 2018, to an air
10 conditioning and refrigeration technician license without imposing
11 the additional eligibility requirements under Chapter 1302,
12 Occupations Code, as amended by this Act.

13 (c) Chapter 1302, Occupations Code, as amended by this Act,
14 applies only to an application for a license under that chapter
15 submitted to the Texas Department of Licensing and Regulation on or
16 after March 1, 2018. An application for a license, registration, or
17 certification submitted under that chapter before that date is
18 governed by the law in effect on the date the application was
19 submitted, and the former law is continued in effect for that
20 purpose.

21 SECTION 18. (a) Except as provided by Subsection (b) of
22 this section, this Act takes effect March 1, 2018.

23 (b) Section 17 of this Act takes effect September 1, 2017.