

By: Frullo

H.B. No. 3029

A BILL TO BE ENTITLED

AN ACT

1
2 relating to air conditioning and refrigeration contracting and the
3 education and certification of air conditioning and refrigeration
4 technicians.

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

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

9 (5-c) "Certification training program" means a
10 program of education and training that is approved by the
11 department and that includes an apprenticeship program or training
12 program taught by:

13 (A) a public school;

14 (B) an institution of higher education, as
15 defined by Section 61.003, Education Code; or

16 (C) a private or independent institution of
17 higher education, as defined by Section 61.003, Education Code.

18 (5-d) "Certified technician" means an air
19 conditioning and refrigeration [~~a registered~~] technician who is
20 certified by the department [~~has completed a certification~~
21 ~~examination~~].

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

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

1 (1) providing for the licensing, certification, and
2 registration of persons under this chapter, including requirements
3 for the issuance and renewal of a contractor license, a technician
4 certification, and a technician registration;

5 (2) establishing fees necessary for the
6 administration of this chapter, including fees for issuance and
7 renewal of a contractor license, a technician certification, and a
8 technician registration; and

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

12 SECTION 3. Section [1302.255](#)(a), Occupations Code, is
13 amended to read as follows:

14 (a) An applicant for a license under this subchapter must:

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

16 (2) have:

17 (A) at least 48 months of practical experience in
18 air conditioning and refrigeration-related work under the
19 supervision of a licensed air conditioning and refrigeration
20 contractor in the preceding 72 months; or

21 (B) held a technician certification issued under
22 this chapter for the preceding 12 months and have at least 36 months
23 of practical experience in air conditioning and
24 refrigeration-related work under the supervision of a licensed air
25 conditioning and refrigeration contractor in the preceding 48
26 months.

27 SECTION 4. Section [1302.263](#), Occupations Code, is amended

1 to read as follows:

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

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

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

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

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

13 (2) use the services of a person who is not a
14 registered or certified technician or a licensed air conditioning
15 and refrigeration contractor to assist in the performance of air
16 conditioning and refrigeration maintenance work.

17 SECTION 5. Section 1302.402, Occupations Code, is amended
18 to read as follows:

19 Sec. 1302.402. ADMINISTRATIVE PROCEDURES. A proceeding for
20 the denial of a license, certification, or registration application
21 or disciplinary action and an appeal from that proceeding are
22 governed by Chapter 2001, Government Code.

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

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

26 (1) knowingly engages in air conditioning and
27 refrigeration contracting without holding a license issued under

1 this chapter; or

2 (2) knowingly engages in air conditioning and
3 refrigeration maintenance work without holding a contractor
4 license or a technician registration or certification issued under
5 this chapter.

6 SECTION 7. Section 1302.501, Occupations Code, is amended
7 to read as follows:

8 Sec. 1302.501. REGISTRATION OR CERTIFICATION REQUIRED. (a)
9 A person may not act or offer to act as an air conditioning and
10 refrigeration technician unless the person is registered or
11 certified under this subchapter.

12 (b) An air conditioning and refrigeration technician
13 registration or certification is valid throughout the state.

14 (c) A person is not required to obtain an air conditioning
15 and refrigeration technician registration or certification if the
16 person only assists a licensed contractor in performing:

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

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

21 SECTION 8. The heading to Section 1302.503, Occupations
22 Code, is amended to read as follows:

23 Sec. 1302.503. SUPERVISION REQUIREMENTS FOR TECHNICIANS
24 [~~REGISTRANTS~~].

25 SECTION 9. The heading to Section 1302.5035, Occupations
26 Code, is amended to read as follows:

27 Sec. 1302.5035. REGISTRATION ELIGIBILITY REQUIREMENTS.

1 SECTION 10. Subchapter K, Chapter 1302, Occupations Code,
2 is amended by adding Section 1302.5036 to read as follows:

3 Sec. 1302.5036. CERTIFICATION ELIGIBILITY REQUIREMENTS.

4 An applicant for a technician certification under this subchapter
5 must:

6 (1) be at least 18 years old;

7 (2) have completed:

8 (A) in the preceding 48 months a certification
9 training program that:

10 (i) is approved by the department; and

11 (ii) consists of at least 2,000 hours of a
12 combination of:

13 (a) classroom instruction that is
14 taught by an instructor approved by the department; and

15 (b) practical experience in air
16 conditioning and refrigeration-related work under the supervision
17 of a licensed air conditioning and refrigeration contractor; or

18 (B) 24 consecutive months of air conditioning and
19 refrigeration-related work:

20 (i) under the supervision of a licensed air
21 conditioning and refrigeration contractor; or

22 (ii) as part of the applicant's military
23 occupational specialty within the armed forces of the United
24 States; and

25 (3) provide the department with proof that the
26 applicant successfully completed a competency examination as part
27 of a certification training program described by this section or

1 another examination of equal or greater difficulty administered by
2 the department.

3 SECTION 11. Section 1302.504(a), Occupations Code, is
4 amended to read as follows:

5 (a) An applicant for an air conditioning and refrigeration
6 technician registration or certification must submit a verified
7 application on a form prescribed by the executive director.

8 SECTION 12. Subchapter K, Chapter 1302, Occupations Code,
9 is amended by adding Section 1302.5055 to read as follows:

10 Sec. 1302.5055. ISSUANCE AND TERM OF CERTIFICATION. (a)
11 The department shall issue an air conditioning and refrigeration
12 technician certification to an applicant who:

- 13 (1) submits a verified application;
14 (2) passes a competency examination;
15 (3) meets the requirements of this chapter and the
16 rules adopted under this chapter; and
17 (4) pays the required fees.

18 (b) An applicant who receives a certification under this
19 subchapter may use the designation "certified technician."

20 (c) A certification issued under this subchapter expires on
21 the first anniversary of the date of issuance.

22 SECTION 13. Section 1302.509, Occupations Code, is amended
23 to read as follows:

24 Sec. 1302.509. LIMITATIONS ON TECHNICIAN [~~REGISTRANT~~]. A
25 person registered or certified under this subchapter may not:

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

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

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

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

8 (2) assist a person who is not a licensed air
9 conditioning and refrigeration contractor in the performance of air
10 conditioning and refrigeration maintenance work.

11 SECTION 14. Section 1302.508, Occupations Code, is
12 repealed.

13 SECTION 15. Not later than December 31, 2017, the Texas
14 Commission of Licensing and Regulation shall adopt rules
15 implementing Chapter 1302, Occupations Code, as amended by this
16 Act.

17 SECTION 16. (a) The changes in law made by this Act to
18 Subchapter K, Chapter 1302, Occupations Code, apply only to an
19 application for a technician certification submitted to the Texas
20 Department of Licensing and Regulation on or after January 1, 2018.
21 An application for a technician certification submitted before that
22 date is governed by the law as it existed immediately before the
23 effective date of this Act, and the former law is continued in
24 effect for that purpose.

25 (b) The repeal by this Act of Section 1302.508, Occupations
26 Code, does not affect the validity of a certification issued by the
27 Texas Department of Licensing and Regulation before January 1,

1 2018, and the former law is continued in effect for the purpose of
2 that certification.

3 SECTION 17. This Act takes effect September 1, 2017.