

By: Whitmire

S.B. No. 1439

A BILL TO BE ENTITLED

AN ACT

relating to air conditioning and refrigeration contracting and the education and certification of air conditioning and refrigeration technicians.

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

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

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

(A) a public school;

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

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

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

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

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

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 registered or certified technician or a licensed air conditioning and refrigeration contractor to assist in the performance of air conditioning and refrigeration maintenance work.

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

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

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

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

(1) knowingly engages in air conditioning and 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.

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

Sec. 1302.5036. CERTIFICATION ELIGIBILITY REQUIREMENTS.

An applicant for a technician certification under this subchapter must:

(1) be at least 18 years old;

(2) have completed:

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

(i) is approved by the department; and

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

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

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

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

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

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

(3) provide the department with proof that the applicant successfully completed a competency examination as part 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,

S.B. No. 1439

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.