

**House Bill 3029**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

(2) establishing fees necessary for the administration of this chapter, including fees for issuance and renewal of a

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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:

(A) is accepted or approved by the department; and

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

(i) classroom instruction;

(a) at a secondary school;

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

(c) in an apprenticeship program accepted by the department; and

(ii) practical experience in air conditioning and refrigeration-related work under the supervision of a licensed air conditioning and refrigeration contractor.

(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. Same as House version.

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contractor license, a technician certification, and a technician registration; and

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

SECTION 3. Section 1302.255(a), Occupations Code, is amended to read as follows:

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

(1) be at least 18 years old; and

(2) have:

(A) 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; or

(B) held a technician certification issued under this chapter for the preceding 12 months and have 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.

No equivalent provision.

SECTION 4. Section 1302.263, Occupations Code, is

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SECTION 3. Same as House version.

SECTION 4. Section 1302.262(a), Occupations Code, is amended to read as follows:

(a) A person who obtains a license under this subchapter shall provide a notice to the municipal authority that enforces air conditioning and refrigeration contracting regulations in the municipality in which the person engages in air conditioning and refrigeration contracting, if the municipality requires the notice.

SECTION 5. Section 1302.263, Occupations Code, is

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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:

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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 technician or a licensed air conditioning and refrigeration contractor~~] to assist in the performance of air conditioning and refrigeration maintenance work unless the person is a:
  - (A) registered or certified technician;
  - (B) licensed air conditioning and refrigeration contractor; or
  - (C) student described by Section 1302.502 who performs the work in that capacity.

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SECTION 7. Section 1302.453(a), Occupations Code, is amended to read as follows:

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

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- (1) knowingly engages in air conditioning and refrigeration contracting without holding a license issued under this chapter; or
- (2) knowingly engages in air conditioning and refrigeration maintenance work without holding a contractor license or a technician registration or certification issued under this chapter.

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

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

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

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

- (1) the total replacement of a system; or
- (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.

No equivalent provision.

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- (1) knowingly engages in air conditioning and refrigeration contracting without holding a license issued under this chapter; or
- (2) is not a student described by Section 1302.502 and knowingly engages in air conditioning and refrigeration maintenance work without holding a contractor license or a technician registration or certification issued under this chapter.

SECTION 8. Section 1302.501, Occupations Code, is amended to read as follows:

Sec. 1302.501. **REGISTRATION OR CERTIFICATION REQUIRED.** (a) Except as otherwise provided by this subchapter, a [A] person may not act or offer to act as an air conditioning and refrigeration technician unless the person is registered or certified under this subchapter.

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

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

- (1) the total replacement of a system; or
- (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 9. Subchapter K, Chapter 1302, Occupations Code, is amended by adding Section 1302.502 to read as follows:

**Sec. 1302.502. EXEMPTION FOR CERTAIN STUDENTS.**  
A person is not required to be registered or certified under this subchapter to act or offer to act as an air conditioning and

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SECTION 8. The heading to Section 1302.503, Occupations Code, is amended to read as follows:  
Sec. 1302.503. SUPERVISION REQUIREMENTS FOR TECHNICIANS ~~REGISTRANTS~~.

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

refrigeration technician if the person:  
(1) is a student in a certification training program; and  
(2) is:  
(A) younger than 18 years of age; or  
(B) enrolled at a secondary school.

SECTION 10. Same as House version.

SECTION 11. Same as House version.

SECTION 12. Subchapter K, Chapter 1302, Occupations Code, is amended by adding Section 1302.5036 to read as follows:  
Sec. 1302.5036. CERTIFICATION ELIGIBILITY REQUIREMENTS. To be eligible for an air conditioning and refrigeration technician certification, an applicant must:  
(1) be at least 18 years old;  
(2) have completed:  
(A) in the preceding 48 months a certification training program; or

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

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

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

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

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

- (1) submits a verified application;
  - (2) passes a competency examination;
  - (3) meets the requirements of this chapter and the rules adopted under this chapter; and
  - (4) pays the required fees.
- (b) An applicant who receives a certification under this

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(B) 24 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) have passed a competency examination administered, recognized, or accepted by the department.

SECTION 13. Same as House version.

SECTION 14. Same as House version.

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subchapter may use the designation "certified technician."

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

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

Sec. 1302.509. LIMITATIONS ON TECHNICIAN [~~REGISTRANT~~]. A person registered or certified 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; or

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

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

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

SECTION 16. (a) The changes in law made by this Act to Subchapter K, Chapter 1302, Occupations Code, apply only to

SECTION 15. Same as House version.

SECTION 16. Sections 1302.262(c) and 1302.508, Occupations Code, are repealed.

SECTION 17. Not later than April 1, 2018, the Texas Commission of Licensing and Regulation shall adopt rules implementing Chapter 1302, Occupations Code, as amended by this Act.

SECTION 18. (a) The changes in law made by this Act to Subchapter K, Chapter 1302, Occupations Code, apply only to

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an application for a technician certification submitted to the Texas Department of Licensing and Regulation on or after January 1, 2018. An application for a technician certification submitted before that date is governed by the law as it existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) The repeal by this Act of Section 1302.508, Occupations Code, does not affect the validity of a certification issued by the Texas Department of Licensing and Regulation before January 1, 2018, and the former law is continued in effect for the purpose of that certification.

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

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an application for a technician certification submitted to the Texas Department of Licensing and Regulation on or after September 1, 2018. An application for a technician certification submitted before that date is governed by the law as it existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) The repeal by this Act of Section 1302.508, Occupations Code, does not affect the validity of a certification issued by the Texas Department of Licensing and Regulation before September 1, 2018, and the former law is continued in effect for the purpose of that certification.

SECTION 19. Same as House version.

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