86R11367 SCL-F

By:  Hernandez H.B. No. 2466

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of contractors and equipment mechanics for elevators, escalators, and related equipment; requiring an occupational permit; authorizing a fee; authorizing an administrative penalty.

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

SECTION 1.  Section 754.011, Health and Safety Code, is amended by amending Subdivision (13) and adding Subdivision (15-a) to read as follows:

(13)  "Contractor" means a person engaged in the business of installation, alteration, testing, repair, or maintenance of equipment. The term does not include an employee of a contractor or a person engaged in cleaning or any other work performed on equipment that does not affect the operational safety of the equipment or diminish the safety of the equipment below the level required by the ASME Code A17.1, ASME Code A17.3, ASME Code A18.1, or ASCE Code 21, as applicable.

(15-a)  "Equipment mechanic" means an individual who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining equipment.

SECTION 2.  Chapter 754, Health and Safety Code, is amended by adding Section 754.0165 to read as follows:

Sec. 754.0165.  EQUIPMENT MECHANIC REGISTRATION. (a) An individual may not install, repair, alter, test, or maintain equipment unless the individual is:

(1)  registered as an equipment mechanic with the department as required by this section; or

(2)  supervised by a registered equipment mechanic.

(b)  An applicant for equipment mechanic registration or renewal of registration, as applicable, shall submit an application to the department in the form and manner prescribed by the department. The department may impose a registration and renewal fee in an amount not greater than the amount necessary to cover the department's expenses in administering this chapter.

(c)  An applicant for a registration must submit with the application a certificate of completion from:

(1)  a nationally recognized training program for the equipment industry;

(2)  an elevator conductor apprenticeship program approved by the United States Department of Labor or a similar federal program for other equipment; or

(3)  an equivalent program approved by the department.

(d)  An applicant for a renewal of registration must submit with the application proof of completion of continuing education related to the installation, repair, alteration, testing, or maintenance of equipment in accordance with commission rule.

(e)  A registration issued under this section expires on the second anniversary of the date of issuance.

SECTION 3.  Sections 754.0171(a) and (b), Health and Safety Code, are amended to read as follows:

(a)  A person may not be engaged in the business of installing, repairing, altering, testing, or maintaining [~~install, repair, alter, test, or maintain~~] equipment without registering as a contractor with the department as required by this chapter.

(b)  A contractor shall submit an application for registration or renewal of registration, as applicable, and pay appropriate fees to the department.  The registration application form shall require:

(1)  information concerning the background, experience, and identity of the applicant;

(2)  designation of and information regarding the responsible party or parties under Section 754.0173; [~~and~~]

(3)  documentation of fulfillment of the continuing education requirements for renewal of registration, if applicable; and

(4)  a list of all equipment mechanics employed by the contractor.

SECTION 4.  Section 754.0174(a), Health and Safety Code, is amended to read as follows:

(a)  Each contractor's responsible party and each equipment mechanic employed by the contractor must complete continuing education requirements set by commission rule before the contractor may renew the contractor's registration.

SECTION 5.  Section 754.021, Health and Safety Code, is amended to read as follows:

Sec. 754.021.  LIST OF REGISTERED ELEVATOR INSPECTORS, EQUIPMENT MECHANICS, AND CONTRACTORS; PERSONNEL.  The executive director shall:

(1)  compile a list of elevator inspectors, equipment mechanics, and contractors who are registered with the department; and

(2)  employ personnel who are necessary to enforce this chapter.

SECTION 6.  Section 754.0232(a), Health and Safety Code, is amended to read as follows:

(a)  The commission or executive director may deny, suspend, or revoke a registration under this chapter and may assess an administrative penalty for:

(1)  obtaining registration by fraud or false representation;

(2)  falsifying a report submitted to the executive director; [~~or~~]

(3)  violating this chapter or a rule adopted under this chapter; or

(4)  engaging in reckless conduct.

SECTION 7.  (a)  The Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the change in law made by this Act not later than January 1, 2020.

(b)  Notwithstanding Section 754.0165, Health and Safety Code, as added by this Act, an individual is not required to comply with that section until January 1, 2020.

SECTION 8.  The changes in law made by this Act apply only to an application or renewal application for registration as a contractor under Chapter 754, Health and Safety Code, as amended by this Act, filed on or after January 1, 2020. An application or renewal application for registration as a contractor under that chapter filed before January 1, 2020, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 9.  This Act takes effect September 1, 2019.