

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

1 installing, repairing, altering, testing, or maintaining [~~install,~~  
2 ~~repair, alter, test, or maintain~~] equipment without registering as  
3 a contractor with the department as required by this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

11           (1) obtaining registration by fraud or false  
12 representation;

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

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

17           (4) engaging in reckless conduct.

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

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

24       SECTION 8. The changes in law made by this Act apply only to  
25 an application or renewal application for registration as a  
26 contractor under Chapter 754, Health and Safety Code, as amended by  
27 this Act, filed on or after January 1, 2020. An application or

H.B. No. 2466

1 renewal application for registration as a contractor under that  
2 chapter filed before January 1, 2020, is governed by the law in  
3 effect immediately before the effective date of this Act, and that  
4 law is continued in effect for that purpose.

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