

BILL ANALYSIS

Senate Research Center
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H.B. 1859
By: Schaefer et al. (Perry)
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There is a shortage of workers in the heating, ventilation, and air conditioning (HVAC) industry in Texas. The Texas Workforce Commission is projecting 3,719 annual job openings in the HVAC industry until 2030. The Texas Air Conditioning Contractors Association states that workforce development is one of its top priorities due to this shortage. Much of the shortage is due to current workers retiring combined with the intense regulations that are required to enter the HVAC industry. Unfortunately, this issue became very apparent during Winter Storm Uri in 2021, when many people had problems finding HVAC technicians to fix their frozen water pumps and water heaters. H.B. 1859 seeks to help increase the number of HVAC technicians in Texas by removing barriers and creating an opportunity for high school students or community college students to receive HVAC certification.

H.B. 1859 amends current law relating to the regulation of air conditioning and refrigeration contracting, including eligibility for an air conditioning and refrigeration technician registration or certification.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 2 (Section 1302.1015, Occupations Code) and SECTION 7 (Section 1302.5037, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1302.002(5-c), Occupations Code, to redefine "certification training program."

SECTION 2. Amends Subchapter C, Chapter 1302, Occupations Code, by adding Section 1302.1015, as follows:

Sec. 1302.1015. RULES REGARDING RENEWAL FEE AND CONTINUING EDUCATION EXEMPTIONS FOR CERTAIN LICENSE OR CERTIFICATION HOLDERS. Requires the Texas Commission of Licensing and Regulation (TCLR) to adopt rules waiving any applicable renewal fee and providing for a reduction in the number of hours of continuing education required to renew an air conditioning and refrigeration contractor license or air conditioning and refrigeration technician certification for a person who provides instruction in a career and technology education program described by Section 1302.5037.

SECTION 3. Amends Section 1302.502, Occupations Code, as follows:

Sec. 1302.502. EXEMPTION FOR CERTAIN STUDENTS. Provides that a person is not required to be registered or certified under Subchapter K (Air Conditioning and Refrigeration Technicians) to act or offer to act as an air conditioning and refrigeration technician if the person:

- (1) is a student in a certification training program who acts or offers to act as an air conditioning and refrigeration technician solely as part of the program; and

(2) is enrolled at a secondary school or an institution of higher education, as that term is defined by Section 1202.5037, rather than is younger than 18 years of age or enrolled at a secondary school.

SECTION 4. Amends Section 1302.503, Occupations Code, as follows:

Sec. 1302.503. New heading: SUPERVISION REQUIREMENTS FOR TECHNICIANS AND MINORS. (a) Creates this subdivision from existing text.

(b) Requires a person who is younger than 18 years of age and acting or offering to act as an air conditioning and refrigeration technician to work at all times under the direct supervision of a licensed air conditioning and refrigeration contractor or a certified air conditioning and refrigeration technician.

SECTION 5. Amends Section 1302.5035(a), Occupations Code, as follows:

(a) Requires an applicant for a technician registration under this subchapter to be at least 16 years old, rather than at least 18 years old.

SECTION 6. Amends Section 1302.5036, Occupations Code, as follows:

Sec. 1302.5036. CERTIFICATION ELIGIBILITY REQUIREMENTS. Deletes existing text requiring an applicant, to be eligible for an air conditioning and refrigeration technician certification, to have completed a certification training program in the preceding 48 months.

SECTION 7. Amends Subchapter K, Chapter 1302, Occupations Code, by adding Section 1302.5037, as follows:

Sec. 1302.5037. CAREER AND TECHNOLOGY EDUCATION PROGRAM FOR TECHNICIAN CERTIFICATION; INSTRUCTORS. (a) Defines "career and technology education program" and "institution of higher education."

(b) Requires the Texas Department of Licensing and Regulation to recognize a career and technology education program as a certification training program for the purposes of Section 1302.5036.

(c) Requires TCLR by rule to establish standards for the essential knowledge and skills of a career and technology education program described by Subsection (a), subject to the approval of the State Board of Education if the courses are to be offered in a high school. Requires that the rules:

(1) require the program to consist of an appropriate number of hours of classroom instruction and a practical component; and

(2) provide for crediting appropriate on-the-job training toward meeting the requirements of the practical component.

(d) Prohibits a person from providing instruction in a career and technology education program unless the person is:

(1) a licensed air conditioning and refrigeration contractor; or

(2) a certified air conditioning and refrigeration technician whose certification was issued on or after September 1, 2018.

(e) Prohibits a career and technology education program offered by an institution of higher education from being more stringent than a program offered by a public high school.

SECTION 8. Requires TCLR to adopt rules necessary to implement the changes in law made by this Act to Chapter 1302 (Air Conditioning and Refrigeration Contractors), Occupations Code, as soon as practicable after the effective date of this Act.

SECTION 9. Requires TCLR to consult with Texas State Technical College and relevant interest groups in the air conditioning and refrigeration industry in developing the initial standards for the career and technology education program under Section 1302.5037(c), Occupations Code, as added by this Act.

SECTION 10. Effective date: upon passage or September 1, 2023.