By:  Schaefer, et al. (Senate Sponsor - Perry) H.B. No. 1859

(In the Senate - Received from the House April 26, 2023; April 26, 2023, read first time and referred to Committee on Business & Commerce; May 10, 2023, reported favorably by the following vote: Yeas 8, Nays 2; May 10, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Schwertner           X

King                 X

Birdwell             X

Campbell             X

Creighton            X

Johnson                  X

Kolkhorst            X

Menéndez                 X

Middleton            X

Nichols              X

Zaffirini                      X

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of air conditioning and refrigeration contracting, including eligibility for an air conditioning and refrigeration technician registration or certification.

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

SECTION 1.  Section 1302.002(5-c), Occupations Code, is amended to read as follows:

(5-c)  "Certification training program" means:

(A)  a career and technology education program described by Section 1302.5037; or

(B)  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.

SECTION 2.  Subchapter C, Chapter 1302, Occupations Code, is amended by adding Section 1302.1015 to read as follows:

Sec. 1302.1015.  RULES REGARDING RENEWAL FEE AND CONTINUING EDUCATION EXEMPTIONS FOR CERTAIN LICENSE OR CERTIFICATION HOLDERS. The commission shall 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.  Section 1302.502, Occupations Code, is amended 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 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[~~:~~

[~~(A)  younger than 18 years of age; or~~

[~~(B)~~]  enrolled at a secondary school or an institution of higher education, as that term is defined by Section 1302.5037.

SECTION 4.  Section 1302.503, Occupations Code, is amended to read as follows:

Sec. 1302.503.  SUPERVISION REQUIREMENTS FOR TECHNICIANS AND MINORS. (a) An air conditioning and refrigeration technician must be supervised by an air conditioning and refrigeration contractor licensed under this chapter.

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

SECTION 5.  Section 1302.5035(a), Occupations Code, is amended to read as follows:

(a)  An applicant for a technician registration under this subchapter must be at least 16 [~~18~~] years old.

SECTION 6.  Section 1302.5036, Occupations Code, is amended 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

(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 7.  Subchapter K, Chapter 1302, Occupations Code, is amended by adding Section 1302.5037 to read as follows:

Sec. 1302.5037.  CAREER AND TECHNOLOGY EDUCATION PROGRAM FOR TECHNICIAN CERTIFICATION; INSTRUCTORS. (a) In this section:

(1)  "Career and technology education program" means:

(A)  a career and technology education program under Subchapter F, Chapter 29, Education Code; or

(B)  a program determined by the department to be similar to that described by Paragraph (A) and offered by:

(i)  an institution of higher education; or

(ii)  a private school, as defined by Section 5.001, Education Code.

(2)  "Institution of higher education" means an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code.

(b)  The department shall recognize a career and technology education program as a certification training program for purposes of Section 1302.5036.

(c)  The commission by rule shall 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. The rules must:

(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)  A person may not provide 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)  A career and technology education program offered by an institution of higher education may not be more stringent than a program offered by a public high school.

SECTION 8.  As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the changes in law made by this Act to Chapter 1302, Occupations Code.

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

SECTION 10.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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