

By: Schaefer

H.B. No. 1859

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of air conditioning and refrigeration
3 contracting, including eligibility for an air conditioning and
4 refrigeration technician registration or certification.

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

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

8 (5-c) "Certification training program" means:

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

11 (B) a program of education and training that
12 [~~(A)~~] is accepted or approved by the
13 department
14 [~~(B)~~] consists of at least 2,000 hours of a
15 combination of:

16 (i) classroom instruction:
17 (a) at a secondary school;
18 (b) at an institution of higher
19 education, as defined by Section 61.003, Education Code; or
20 (c) in an apprenticeship program
21 accepted by the department; and

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

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

3 Sec. 1302.1015. RULES REGARDING RENEWAL FEE AND CONTINUING
4 EDUCATION EXEMPTIONS FOR CERTAIN LICENSE OR CERTIFICATION HOLDERS.

5 The commission shall adopt rules waiving any applicable renewal fee
6 and providing for a reduction in the number of hours of continuing
7 education required to renew an air conditioning and refrigeration
8 contractor license or air conditioning and refrigeration
9 technician certification for a person who provides instruction in a
10 career and technology education program described by Section
11 1302.5037.

12 SECTION 3. Section 1302.502, Occupations Code, is amended
13 to read as follows:

14 Sec. 1302.502. EXEMPTION FOR CERTAIN STUDENTS. A person is
15 not required to be registered or certified under this subchapter to
16 act or offer to act as an air conditioning and refrigeration
17 technician if the person:

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

21 (2) is[+]

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

23 [~~(B)~~] enrolled at a secondary school or an
24 institution of higher education, as that term is defined by Section
25 1302.5037.

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

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

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

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

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

14 SECTION 6. Section 1302.5036, Occupations Code, is amended
15 to read as follows:

16 Sec. 1302.5036. CERTIFICATION ELIGIBILITY REQUIREMENTS.
17 To be eligible for an air conditioning and refrigeration technician
18 certification, an applicant must:

19 (1) be at least 18 years old;

20 (2) have completed:

21 (A) [~~in the preceding 48 months~~] a certification
22 training program; or

23 (B) 24 months of air conditioning and
24 refrigeration-related work:

25 (i) under the supervision of a licensed air
26 conditioning and refrigeration contractor; or

27 (ii) as part of the applicant's military

1 occupational specialty within the armed forces of the United
2 States; and

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

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

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

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

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

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

14 (i) an institution of higher education; or

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

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

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

24 (c) The commission by rule shall establish standards for the
25 essential knowledge and skills of a career and technology education
26 program described by Subsection (a), subject to the approval of the
27 State Board of Education if the courses are to be offered in a high

1 school. The rules must:

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

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

8 (d) A person may not provide instruction in a career and
9 technology education program unless the person is:

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

12 (2) a certified air conditioning and refrigeration
13 technician whose certification was issued on or after September 1,
14 2018.

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

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

22 SECTION 9. In developing the initial standards for the
23 career and technology education program under Section
24 1302.5037(c), Occupations Code, as added by this Act, the Texas
25 Commission of Licensing and Regulation shall consult with the Texas
26 State Technical College and relevant interest groups in the air
27 conditioning and refrigeration industry.

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