

1-1 By: Schaefer, et al. (Senate Sponsor - Perry) H.B. No. 1859
 1-2 (In the Senate - Received from the House April 26, 2023;
 1-3 April 26, 2023, read first time and referred to Committee on
 1-4 Business & Commerce; May 10, 2023, reported favorably by the
 1-5 following vote: Yeas 8, Nays 2; May 10, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14	X			
1-15		X		
1-16	X			
1-17	X			
1-18			X	

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the regulation of air conditioning and refrigeration
 1-22 contracting, including eligibility for an air conditioning and
 1-23 refrigeration technician registration or certification.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 1302.002(5-c), Occupations Code, is
 1-26 amended to read as follows:

1-27 (5-c) "Certification training program" means:

1-28 (A) a career and technology education program
 1-29 described by Section 1302.5037; or

1-30 (B) a program of education and training that [+
 1-31 ~~[(A)]~~ is accepted or approved by the
 1-32 department[+] and

1-33 ~~[(B)]~~ consists of at least 2,000 hours of a
 1-34 combination of:

1-35 (i) classroom instruction:

1-36 (a) at a secondary school;

1-37 (b) at an institution of higher
 1-38 education, as defined by Section 61.003, Education Code; or

1-39 (c) in an apprenticeship program
 1-40 accepted by the department; and

1-41 (ii) practical experience in air
 1-42 conditioning and refrigeration-related work under the supervision
 1-43 of a licensed air conditioning and refrigeration contractor.

1-44 SECTION 2. Subchapter C, Chapter 1302, Occupations Code, is
 1-45 amended by adding Section 1302.1015 to read as follows:

1-46 Sec. 1302.1015. RULES REGARDING RENEWAL FEE AND CONTINUING
 1-47 EDUCATION EXEMPTIONS FOR CERTAIN LICENSE OR CERTIFICATION HOLDERS.

1-48 The commission shall adopt rules waiving any applicable renewal fee
 1-49 and providing for a reduction in the number of hours of continuing
 1-50 education required to renew an air conditioning and refrigeration
 1-51 contractor license or air conditioning and refrigeration
 1-52 technician certification for a person who provides instruction in a
 1-53 career and technology education program described by Section
 1-54 1302.5037.

1-55 SECTION 3. Section 1302.502, Occupations Code, is amended
 1-56 to read as follows:

1-57 Sec. 1302.502. EXEMPTION FOR CERTAIN STUDENTS. A person is
 1-58 not required to be registered or certified under this subchapter to
 1-59 act or offer to act as an air conditioning and refrigeration
 1-60 technician if the person:

1-61 (1) is a student in a certification training program

2-1 who acts or offers to act as an air conditioning and refrigeration
 2-2 technician solely as part of the program; and

2-3 (2) is ~~is~~
 2-4 ~~[(A) younger than 18 years of age; or~~
 2-5 ~~[(B)] enrolled at a secondary school or an~~
 2-6 institution of higher education, as that term is defined by Section
 2-7 1302.5037.

2-8 SECTION 4. Section 1302.503, Occupations Code, is amended
 2-9 to read as follows:

2-10 Sec. 1302.503. SUPERVISION REQUIREMENTS FOR TECHNICIANS
 2-11 AND MINORS. (a) An air conditioning and refrigeration technician
 2-12 must be supervised by an air conditioning and refrigeration
 2-13 contractor licensed under this chapter.

2-14 (b) A person who is younger than 18 years of age and acting
 2-15 or offering to act as an air conditioning and refrigeration
 2-16 technician must at all times work under the direct supervision of a
 2-17 licensed air conditioning and refrigeration contractor or a
 2-18 certified air conditioning and refrigeration technician.

2-19 SECTION 5. Section 1302.5035(a), Occupations Code, is
 2-20 amended to read as follows:

2-21 (a) An applicant for a technician registration under this
 2-22 subchapter must be at least 16 ~~[18]~~ years old.

2-23 SECTION 6. Section 1302.5036, Occupations Code, is amended
 2-24 to read as follows:

2-25 Sec. 1302.5036. CERTIFICATION ELIGIBILITY REQUIREMENTS.
 2-26 To be eligible for an air conditioning and refrigeration technician
 2-27 certification, an applicant must:

2-28 (1) be at least 18 years old;

2-29 (2) have completed:

2-30 (A) ~~[in the preceding 48 months]~~ a certification
 2-31 training program; or

2-32 (B) 24 months of air conditioning and
 2-33 refrigeration-related work:

2-34 (i) under the supervision of a licensed air
 2-35 conditioning and refrigeration contractor; or

2-36 (ii) as part of the applicant's military
 2-37 occupational specialty within the armed forces of the United
 2-38 States; and

2-39 (3) have passed a competency examination
 2-40 administered, recognized, or accepted by the department.

2-41 SECTION 7. Subchapter K, Chapter 1302, Occupations Code, is
 2-42 amended by adding Section 1302.5037 to read as follows:

2-43 Sec. 1302.5037. CAREER AND TECHNOLOGY EDUCATION PROGRAM FOR
 2-44 TECHNICIAN CERTIFICATION; INSTRUCTORS. (a) In this section:

2-45 (1) "Career and technology education program" means:

2-46 (A) a career and technology education program
 2-47 under Subchapter F, Chapter 29, Education Code; or

2-48 (B) a program determined by the department to be
 2-49 similar to that described by Paragraph (A) and offered by:

2-50 (i) an institution of higher education; or

2-51 (ii) a private school, as defined by
 2-52 Section 5.001, Education Code.

2-53 (2) "Institution of higher education" means an
 2-54 institution of higher education or a private or independent
 2-55 institution of higher education, as those terms are defined by
 2-56 Section 61.003, Education Code.

2-57 (b) The department shall recognize a career and technology
 2-58 education program as a certification training program for purposes
 2-59 of Section 1302.5036.

2-60 (c) The commission by rule shall establish standards for the
 2-61 essential knowledge and skills of a career and technology education
 2-62 program described by Subsection (a), subject to the approval of the
 2-63 State Board of Education if the courses are to be offered in a high
 2-64 school. The rules must:

2-65 (1) require the program to consist of an appropriate
 2-66 number of hours of classroom instruction and a practical component;
 2-67 and

2-68 (2) provide for crediting appropriate on-the-job
 2-69 training toward meeting the requirements of the practical

3-1 component.
3-2 (d) A person may not provide instruction in a career and
3-3 technology education program unless the person is:

3-4 (1) a licensed air conditioning and refrigeration
3-5 contractor; or

3-6 (2) a certified air conditioning and refrigeration
3-7 technician whose certification was issued on or after September 1,
3-8 2018.

3-9 (e) A career and technology education program offered by an
3-10 institution of higher education may not be more stringent than a
3-11 program offered by a public high school.

3-12 SECTION 8. As soon as practicable after the effective date
3-13 of this Act, the Texas Commission of Licensing and Regulation shall
3-14 adopt rules necessary to implement the changes in law made by this
3-15 Act to Chapter 1302, Occupations Code.

3-16 SECTION 9. In developing the initial standards for the
3-17 career and technology education program under Section
3-18 1302.5037(c), Occupations Code, as added by this Act, the Texas
3-19 Commission of Licensing and Regulation shall consult with Texas
3-20 State Technical College and relevant interest groups in the air
3-21 conditioning and refrigeration industry.

3-22 SECTION 10. This Act takes effect immediately if it
3-23 receives a vote of two-thirds of all the members elected to each
3-24 house, as provided by Section 39, Article III, Texas Constitution.
3-25 If this Act does not receive the vote necessary for immediate
3-26 effect, this Act takes effect September 1, 2023.

3-27 * * * * *