

1-1 By: Frullo (Senate Sponsor - Whitmire) H.B. No. 3029
 1-2 (In the Senate - Received from the House May 5, 2017;
 1-3 May 5, 2017, read first time and referred to Committee on Business
 1-4 & Commerce; May 22, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 May 22, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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 COMMITTEE SUBSTITUTE FOR H.B. No. 3029 By: Whitmire

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

1-21 relating to air conditioning and refrigeration contracting and the
 1-22 education and certification of air conditioning and refrigeration
 1-23 technicians.

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

1-25 SECTION 1. Section 1302.002, Occupations Code, is amended
 1-26 by amending Subdivision (5-c) and adding Subdivision (5-d) to read
 1-27 as follows:

1-28 (5-c) "Certification training program" means a
 1-29 program of education and training that:

1-30 (A) is accepted or approved by the department;
 1-31 and

1-32 (B) consists of at least 2,000 hours of a
 1-33 combination of:

1-34 (i) classroom instruction:

1-35 (a) at a secondary school;

1-36 (b) at an institution of higher
 1-37 education, as defined by Section 61.003, Education Code; or

1-38 (c) in an apprenticeship program
 1-39 accepted by the department; and

1-40 (ii) practical experience in air
 1-41 conditioning and refrigeration-related work under the supervision
 1-42 of a licensed air conditioning and refrigeration contractor.

1-43 (5-d) "Certified technician" means an air
 1-44 conditioning and refrigeration [a registered] technician who is
 1-45 certified by the department [has completed a certification
 1-46 examination].

1-47 SECTION 2. Section 1302.1011, Occupations Code, is amended
 1-48 to read as follows:

1-49 Sec. 1302.1011. RULES. The commission shall adopt rules:

1-50 (1) providing for the licensing, certification, and
 1-51 registration of persons under this chapter, including requirements
 1-52 for the issuance and renewal of a contractor license, a technician
 1-53 certification, and a technician registration;

1-54 (2) establishing fees necessary for the
 1-55 administration of this chapter, including fees for issuance and
 1-56 renewal of a contractor license, a technician certification, and a
 1-57 technician registration; and

1-58 (3) implementing the requirements of this chapter as
 1-59 applicable to persons, entities, and activities regulated under
 1-60 this chapter.

2-1 SECTION 3. Section 1302.255(a), Occupations Code, is
2-2 amended to read as follows:

2-3 (a) An applicant for a license under this subchapter must:

2-4 (1) be at least 18 years old; and

2-5 (2) have:

2-6 (A) at least 48 months of practical experience in
2-7 air conditioning and refrigeration-related work under the
2-8 supervision of a licensed air conditioning and refrigeration
2-9 contractor in the preceding 72 months; or

2-10 (B) held a technician certification issued under
2-11 this chapter for the preceding 12 months and have at least 36 months
2-12 of practical experience in air conditioning and
2-13 refrigeration-related work under the supervision of a licensed air
2-14 conditioning and refrigeration contractor in the preceding 48
2-15 months.

2-16 SECTION 4. Section 1302.262(a), Occupations Code, is
2-17 amended to read as follows:

2-18 (a) A person who obtains a license under this subchapter
2-19 shall provide a notice to the municipal authority that enforces air
2-20 conditioning and refrigeration contracting regulations in the
2-21 municipality in which the person engages in air conditioning and
2-22 refrigeration contracting, if the municipality requires the
2-23 notice.

2-24 SECTION 5. Section 1302.263, Occupations Code, is amended
2-25 to read as follows:

2-26 Sec. 1302.263. LIMITATION ON LICENSE HOLDER. A person
2-27 licensed as a contractor under this chapter may not:

2-28 (1) perform or offer or attempt to perform an act,
2-29 service, or function that is:

2-30 (A) defined as the practice of engineering under
2-31 Chapter 1001, unless the person holds a license under that chapter;

2-32 (B) regulated under Chapter 113, Natural
2-33 Resources Code, unless the person holds a license or is exempt by
2-34 rule under that chapter; or

2-35 (C) defined as plumbing under Chapter 1301,
2-36 unless the person holds a license under that chapter; or

2-37 (2) use the services of a person ~~[who is not a~~
2-38 ~~registered technician or a licensed air conditioning and~~
2-39 ~~refrigeration contractor]~~ to assist in the performance of air
2-40 conditioning and refrigeration maintenance work unless the person
2-41 is a:

2-42 (A) registered or certified technician;

2-43 (B) licensed air conditioning and refrigeration
2-44 contractor; or

2-45 (C) student described by Section 1302.502 who
2-46 performs the work in that capacity.

2-47 SECTION 6. Section 1302.402, Occupations Code, is amended
2-48 to read as follows:

2-49 Sec. 1302.402. ADMINISTRATIVE PROCEDURES. A proceeding for
2-50 the denial of a license, certification, or registration application
2-51 or disciplinary action and an appeal from that proceeding are
2-52 governed by Chapter 2001, Government Code.

2-53 SECTION 7. Section 1302.453(a), Occupations Code, is
2-54 amended to read as follows:

2-55 (a) A person commits an offense if the person:

2-56 (1) knowingly engages in air conditioning and
2-57 refrigeration contracting without holding a license issued under
2-58 this chapter; or

2-59 (2) is not a student described by Section 1302.502 and
2-60 knowingly engages in air conditioning and refrigeration
2-61 maintenance work without holding a contractor license or a
2-62 technician registration or certification issued under this
2-63 chapter.

2-64 SECTION 8. Section 1302.501, Occupations Code, is amended
2-65 to read as follows:

2-66 Sec. 1302.501. REGISTRATION OR CERTIFICATION REQUIRED. (a)
2-67 Except as otherwise provided by this subchapter, a [A] person may
2-68 not act or offer to act as an air conditioning and refrigeration
2-69 technician unless the person is registered or certified under this

3-1 subchapter.

3-2 (b) An air conditioning and refrigeration technician

3-3 registration or certification is valid throughout the state.

3-4 (c) A person is not required to obtain an air conditioning

3-5 and refrigeration technician registration or certification if the

3-6 person only assists a licensed contractor in performing:

3-7 (1) the total replacement of a system; or

3-8 (2) the installation or repair of a boiler or pressure

3-9 vessel that must be installed in accordance with rules adopted

3-10 under Chapter 755, Health and Safety Code.

3-11 SECTION 9. Subchapter K, Chapter 1302, Occupations Code, is

3-12 amended by adding Section 1302.502 to read as follows:

3-13 Sec. 1302.502. EXEMPTION FOR CERTAIN STUDENTS. A person is

3-14 not required to be registered or certified under this subchapter to

3-15 act or offer to act as an air conditioning and refrigeration

3-16 technician if the person:

3-17 (1) is a student in a certification training program;

3-18 and

3-19 (2) is:

3-20 (A) younger than 18 years of age; or

3-21 (B) enrolled at a secondary school.

3-22 SECTION 10. The heading to Section 1302.503, Occupations

3-23 Code, is amended to read as follows:

3-24 Sec. 1302.503. SUPERVISION REQUIREMENTS FOR TECHNICIANS

3-25 [~~REGISTRANTS~~].

3-26 SECTION 11. The heading to Section 1302.5035, Occupations

3-27 Code, is amended to read as follows:

3-28 Sec. 1302.5035. REGISTRATION ELIGIBILITY REQUIREMENTS.

3-29 SECTION 12. Subchapter K, Chapter 1302, Occupations Code,

3-30 is amended by adding Section 1302.5036 to read as follows:

3-31 Sec. 1302.5036. CERTIFICATION ELIGIBILITY REQUIREMENTS.

3-32 To be eligible for an air conditioning and refrigeration technician

3-33 certification, an applicant must:

3-34 (1) be at least 18 years old;

3-35 (2) have completed:

3-36 (A) in the preceding 48 months a certification

3-37 training program; or

3-38 (B) 24 months of air conditioning and

3-39 refrigeration-related work:

3-40 (i) under the supervision of a licensed air

3-41 conditioning and refrigeration contractor; or

3-42 (ii) as part of the applicant's military

3-43 occupational specialty within the armed forces of the United

3-44 States; and

3-45 (3) have passed a competency examination

3-46 administered, recognized, or accepted by the department.

3-47 SECTION 13. Section 1302.504(a), Occupations Code, is

3-48 amended to read as follows:

3-49 (a) An applicant for an air conditioning and refrigeration

3-50 technician registration or certification must submit a verified

3-51 application on a form prescribed by the executive director.

3-52 SECTION 14. Subchapter K, Chapter 1302, Occupations Code,

3-53 is amended by adding Section 1302.5055 to read as follows:

3-54 Sec. 1302.5055. ISSUANCE AND TERM OF CERTIFICATION. (a)

3-55 The department shall issue an air conditioning and refrigeration

3-56 technician certification to an applicant who:

3-57 (1) submits a verified application;

3-58 (2) passes a competency examination;

3-59 (3) meets the requirements of this chapter and the

3-60 rules adopted under this chapter; and

3-61 (4) pays the required fees.

3-62 (b) An applicant who receives a certification under this

3-63 subchapter may use the designation "certified technician."

3-64 (c) A certification issued under this subchapter expires on

3-65 the first anniversary of the date of issuance.

3-66 SECTION 15. Section 1302.509, Occupations Code, is amended

3-67 to read as follows:

3-68 Sec. 1302.509. LIMITATIONS ON TECHNICIAN [~~REGISTRANT~~]. A

3-69 person registered or certified under this subchapter may not:

4-1 (1) perform, offer to perform, or attempt to perform
4-2 an act that is:

4-3 (A) defined as the practice of engineering under
4-4 Chapter 1001, unless the person holds a license under that chapter;

4-5 (B) regulated under Chapter 113, Natural
4-6 Resources Code, unless the person holds a license under that
4-7 chapter or is exempt by a rule adopted under that chapter; or

4-8 (C) defined as plumbing under Chapter 1301,
4-9 unless the person holds a license under that chapter; or

4-10 (2) assist a person who is not a licensed air
4-11 conditioning and refrigeration contractor in the performance of air
4-12 conditioning and refrigeration maintenance work.

4-13 SECTION 16. Sections 1302.262(c) and 1302.508, Occupations
4-14 Code, are repealed.

4-15 SECTION 17. Not later than April 1, 2018, the Texas
4-16 Commission of Licensing and Regulation shall adopt rules
4-17 implementing Chapter 1302, Occupations Code, as amended by this
4-18 Act.

4-19 SECTION 18. (a) The changes in law made by this Act to
4-20 Subchapter K, Chapter 1302, Occupations Code, apply only to an
4-21 application for a technician certification submitted to the Texas
4-22 Department of Licensing and Regulation on or after September 1,
4-23 2018. An application for a technician certification submitted
4-24 before that date is governed by the law as it existed immediately
4-25 before the effective date of this Act, and the former law is
4-26 continued in effect for that purpose.

4-27 (b) The repeal by this Act of Section 1302.508, Occupations
4-28 Code, does not affect the validity of a certification issued by the
4-29 Texas Department of Licensing and Regulation before September 1,
4-30 2018, and the former law is continued in effect for the purpose of
4-31 that certification.

4-32 SECTION 19. This Act takes effect September 1, 2017.

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