

AN ACT

relating to air conditioning and refrigeration contracting and the education and certification of air conditioning and refrigeration technicians.

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

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

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

(5-d) "Certified technician" means an air

1 conditioning and refrigeration [~~a registered~~] technician who is
2 certified by the department [~~has completed a certification~~
3 ~~examination~~].

4 SECTION 2. Section 1302.1011, Occupations Code, is amended
5 to read as follows:

6 Sec. 1302.1011. RULES. The commission shall adopt rules:

7 (1) providing for the licensing, certification, and
8 registration of persons under this chapter, including requirements
9 for the issuance and renewal of a contractor license, a technician
10 certification, and a technician registration;

11 (2) establishing fees necessary for the
12 administration of this chapter, including fees for issuance and
13 renewal of a contractor license, a technician certification, and a
14 technician registration; and

15 (3) implementing the requirements of this chapter as
16 applicable to persons, entities, and activities regulated under
17 this chapter.

18 SECTION 3. Section 1302.255(a), Occupations Code, is
19 amended to read as follows:

20 (a) An applicant for a license under this subchapter must:

21 (1) be at least 18 years old; and

22 (2) have:

23 (A) at least 48 months of practical experience in
24 air conditioning and refrigeration-related work under the
25 supervision of a licensed air conditioning and refrigeration
26 contractor in the preceding 72 months; or

27 (B) held a technician certification issued under

1 this chapter for the preceding 12 months and have at least 36 months
2 of practical experience in air conditioning and
3 refrigeration-related work under the supervision of a licensed air
4 conditioning and refrigeration contractor in the preceding 48
5 months.

6 SECTION 4. Section 1302.262(a), Occupations Code, is
7 amended to read as follows:

8 (a) A person who obtains a license under this subchapter
9 shall provide a notice to the municipal authority that enforces air
10 conditioning and refrigeration contracting regulations in the
11 municipality in which the person engages in air conditioning and
12 refrigeration contracting, if the municipality requires the
13 notice.

14 SECTION 5. Section 1302.263, Occupations Code, is amended
15 to read as follows:

16 Sec. 1302.263. LIMITATION ON LICENSE HOLDER. A person
17 licensed as a contractor under this chapter may not:

18 (1) perform or offer or attempt to perform an act,
19 service, or function that is:

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

22 (B) regulated under Chapter 113, Natural
23 Resources Code, unless the person holds a license or is exempt by
24 rule under that chapter; or

25 (C) defined as plumbing under Chapter 1301,
26 unless the person holds a license under that chapter; or

27 (2) use the services of a person [~~who is not a~~

1 ~~registered technician or a licensed air conditioning and~~
2 ~~refrigeration contractor]~~ to assist in the performance of air
3 conditioning and refrigeration maintenance work unless the person
4 is a:

- 5 (A) registered or certified technician;
6 (B) licensed air conditioning and refrigeration
7 contractor; or
8 (C) student described by Section 1302.502 who
9 performs the work in that capacity.

10 SECTION 6. Section 1302.402, Occupations Code, is amended
11 to read as follows:

12 Sec. 1302.402. ADMINISTRATIVE PROCEDURES. A proceeding for
13 the denial of a license, certification, or registration application
14 or disciplinary action and an appeal from that proceeding are
15 governed by Chapter 2001, Government Code.

16 SECTION 7. Section 1302.453(a), Occupations Code, is
17 amended to read as follows:

- 18 (a) A person commits an offense if the person:
19 (1) knowingly engages in air conditioning and
20 refrigeration contracting without holding a license issued under
21 this chapter; or
22 (2) is not a student described by Section 1302.502 and
23 knowingly engages in air conditioning and refrigeration
24 maintenance work without holding a contractor license or a
25 technician registration or certification issued under this
26 chapter.

27 SECTION 8. Section 1302.501, Occupations Code, is amended

1 to read as follows:

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

7 (b) An air conditioning and refrigeration technician
8 registration or certification is valid throughout the state.

9 (c) A person is not required to obtain an air conditioning
10 and refrigeration technician registration or certification if the
11 person only assists a licensed contractor in performing:

- 12 (1) the total replacement of a system; or
13 (2) the installation or repair of a boiler or pressure
14 vessel that must be installed in accordance with rules adopted
15 under Chapter 755, Health and Safety Code.

16 SECTION 9. Subchapter K, Chapter 1302, Occupations Code, is
17 amended by adding Section 1302.502 to read as follows:

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

- 22 (1) is a student in a certification training program;
23 and
24 (2) is:
25 (A) younger than 18 years of age; or
26 (B) enrolled at a secondary school.

27 SECTION 10. The heading to Section 1302.503, Occupations

1 Code, is amended to read as follows:

2 Sec. 1302.503. SUPERVISION REQUIREMENTS FOR TECHNICIANS
3 [~~REGISTRANTS~~].

4 SECTION 11. The heading to Section 1302.5035, Occupations
5 Code, is amended to read as follows:

6 Sec. 1302.5035. REGISTRATION ELIGIBILITY REQUIREMENTS.

7 SECTION 12. Subchapter K, Chapter 1302, Occupations Code,
8 is amended by adding Section 1302.5036 to read as follows:

9 Sec. 1302.5036. CERTIFICATION ELIGIBILITY REQUIREMENTS.

10 To be eligible for an air conditioning and refrigeration technician
11 certification, an applicant must:

12 (1) be at least 18 years old;

13 (2) have completed:

14 (A) in the preceding 48 months a certification
15 training program; or

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

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

20 (ii) as part of the applicant's military
21 occupational specialty within the armed forces of the United
22 States; and

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

25 SECTION 13. Section 1302.504(a), Occupations Code, is
26 amended to read as follows:

27 (a) An applicant for an air conditioning and refrigeration

1 technician registration or certification must submit a verified
2 application on a form prescribed by the executive director.

3 SECTION 14. Subchapter K, Chapter 1302, Occupations Code,
4 is amended by adding Section 1302.5055 to read as follows:

5 Sec. 1302.5055. ISSUANCE AND TERM OF CERTIFICATION. (a)
6 The department shall issue an air conditioning and refrigeration
7 technician certification to an applicant who:

8 (1) submits a verified application;

9 (2) passes a competency examination;

10 (3) meets the requirements of this chapter and the
11 rules adopted under this chapter; and

12 (4) pays the required fees.

13 (b) An applicant who receives a certification under this
14 subchapter may use the designation "certified technician."

15 (c) A certification issued under this subchapter expires on
16 the first anniversary of the date of issuance.

17 SECTION 15. Section 1302.509, Occupations Code, is amended
18 to read as follows:

19 Sec. 1302.509. LIMITATIONS ON TECHNICIAN [~~REGISTRANT~~]. A
20 person registered or certified under this subchapter may not:

21 (1) perform, offer to perform, or attempt to perform
22 an act that is:

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

25 (B) regulated under Chapter 113, Natural
26 Resources Code, unless the person holds a license under that
27 chapter or is exempt by a rule adopted under that chapter; or

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

3 (2) assist a person who is not a licensed air
4 conditioning and refrigeration contractor in the performance of air
5 conditioning and refrigeration maintenance work.

6 SECTION 16. Sections 1302.262(c) and 1302.508, Occupations
7 Code, are repealed.

8 SECTION 17. Not later than April 1, 2018, the Texas
9 Commission of Licensing and Regulation shall adopt rules
10 implementing Chapter 1302, Occupations Code, as amended by this
11 Act.

12 SECTION 18. (a) The changes in law made by this Act to
13 Subchapter K, Chapter 1302, Occupations Code, apply only to an
14 application for a technician certification submitted to the Texas
15 Department of Licensing and Regulation on or after September 1,
16 2018. An application for a technician certification submitted
17 before that date is governed by the law as it existed immediately
18 before the effective date of this Act, and the former law is
19 continued in effect for that purpose.

20 (b) The repeal by this Act of Section 1302.508, Occupations
21 Code, does not affect the validity of a certification issued by the
22 Texas Department of Licensing and Regulation before September 1,
23 2018, and the former law is continued in effect for the purpose of
24 that certification.

25 SECTION 19. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 3029 was passed by the House on May 4, 2017, by the following vote: Yeas 142, Nays 1, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3029 on May 26, 2017, by the following vote: Yeas 137, Nays 8, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3029 was passed by the Senate, with amendments, on May 24, 2017, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor