

BILL ANALYSIS

Senate Research Center
79R11025 MSE-F

C.S.S.B. 686
By: Carona
Business & Commerce
4/2/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law requires a person to have three years of air conditioning technician experience in order to qualify for a heating, ventilation, air conditioning, and refrigeration (HVACR) license. However, there is no mechanism for the Texas Department of Licensing and Regulation (department) to verify the length of time a technician has been engaged in the HVACR industry.

C.S.S.B. 686 requires air conditioning technicians to register annually with the department. Technicians will receive an identification card noting their status as a registered HVACR technician. In addition, C.S.S.B. 686 requires the department to conduct criminal background checks of all technicians who register, at the time of initial registration, and annually as registrations are renewed. This legislation will bring the HVACR industry more in line with the recognized structures of other trades such as plumbing and electrical contractors.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Texas Department of Licensing and Regulation in SECTION 2 (Section 1302.502, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1302.002, Occupations Code, by adding Subdivisions (5-a), (5-b), and (17) to define "air conditioning and refrigeration technician," "certified technician," and "registered technician."

SECTION 2. Amends Section 1302.101, Occupations Code, by adding Subsection (e), to authorize the Texas Department of Licensing and Regulation (department) to examine any criminal conviction, guilty plea, or deferred adjudication of an applicant for issuance or renewal of a license, including by obtaining any criminal history record information permitted by law.

SECTION 3. Amends Section 1302.263, Occupations Code, as follows:

Sec. 1302.263. New heading: **LIMITATION ON LICENSE HOLDER OR REGISTERED TECHNICIAN.** Prohibits a person licensed under this chapter from using the services of a person who is not a registered technician to assist in the performance of air conditioning and refrigeration maintenance work.

SECTION 4. Amends Section 1302.401(a), Occupations Code, to provide that a person is subject to the denial of an application, imposition of an administrative penalty under Subchapter F (Administrative Penalty), Chapter 51, or disciplinary action under Section 51.353 (Administrative Sanctions) if the person commits certain violations.

SECTION 5. Amends Section 1302.402, Occupations Code, to specify that a proceeding for the denial of a license or registration application or disciplinary action and an appeal from that proceeding are governed by Chapter 2001 (Administrative Procedure), Government Code.

SECTION 6. Amends Chapter 1302, Occupations Code, by adding Subchapter K, as follows:

SUBCHAPTER K. AIR CONDITIONING AND REFRIGERATION TECHNICIANS

Sec. 1302.501. REGISTRATION REQUIRED. Prohibits a person from acting or offering to act as an air conditioning and refrigeration technician unless the person is registered under this subchapter. Provides that a certificate is valid throughout the state.

Sec. 1302.502. RULES. Requires the executive director of the Texas Department of Licensing and Regulation (executive director) to adopt certain rules relating to registered technicians and license holders under this subhyhhhchapter.

Sec. 1302.503. SUPERVISION REQUIREMENTS FOR REGISTRANTS. (a) Requires an air conditioning and refrigeration technician to be supervised by an air conditioning and refrigeration contractor licensed under this chapter.

(b) Requires a supervising air conditioning and refrigeration contractor to notify the department in writing not later than the 30th day after the date on which the contractor begins supervising a registered technician.

(c) Requires an air conditioning and refrigeration contractor to notify the department of the name and registration number of any registered technician for whom the contractor provided notice under Subsection (b) that the contractor no longer supervises on each application for renewal of the contractor's license.

Sec. 1302.504. APPLICATION; FEE. (a) Requires an applicant for a certificate to submit an application on a form prescribed by the executive director.

(b) Requires the completed application to be accompanied by an application fee and certain information about the supervising contractor.

Sec. 1302.505. ISSUANCE AND TERM OF REGISTRATION. Requires the department, on receipt of a complete application, to register an applicant who meets the requirements of the subchapter. Provides that a registration is valid for one year.

Sec. 1302.506. RENEWAL OF REGISTRATION. Requires a registered technician to complete certain steps in order to renew a registration.

Sec. 1302.507. CERTIFIED TECHNICIAN. Authorizes a registered technician to be certified by the department and use the designation "certified technician" if the registered technician meets certain requirements.

SECTION 3. Requires the executive director to adopt rules implementing Subchapter K, Chapter 1302, Occupations Code, as added by this Act, not later than December 31, 2005.

SECTION 4. Effective date: September 1, 2005, excepting Sections 1302.501 and 1302.503, Occupations Code, which take effect June 30, 2006.