

BILL ANALYSIS

Senate Research Center

H.B. 3029
By: Frullo (Whitmire)
Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties assert that the demand for jobs within the air conditioning and refrigeration industry will increase significantly in the coming years and that the supply of trained workers within this industry in Texas and across the nation is insufficient to meet this demand. H.B. 3029 makes changes that will help encourage individuals to enter this industry

H.B. 3029 amends current law relating to air conditioning and refrigeration contracting and the education and certification of air conditioning and refrigeration technicians.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 15 of this bill.

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation is modified in SECTION 2 (Section 1302.1011, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1302.002, Occupations Code, by amending Subdivision (5-c) and adding Subdivision (5-d) to define "certification training program" and to redefine "certified technician."

SECTION 2. Amends Section 1302.1011, Occupations Code, as follows:

Sec. 1302.1011. RULES. Requires the Texas Commission of Licensing and Regulation (TCLR) to adopt rules:

- (1) providing for the licensing, certification, and registration of persons under this chapter (Air Conditioning and Refrigeration Contractors), including requirements for the issuance and renewal of a contractor license, a technician certification, and a technician registration;
- (2) establishing fees necessary for the administration of this chapter, including fees for issuance and renewal of a contractor license, a technician certification, and a technician registration; and
- (3) makes no changes to this subdivision.

SECTION 3. Amends Section 1302.255(a), Occupations Code, as follows:

(a) Requires an applicant for a license under this subchapter (Air Conditioning and Refrigeration Contractors) to:

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

(A) creates this paragraph from existing text and makes a nonsubstantive change; or

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

SECTION 4. Amends Section 1302.263, Occupations Code, to prohibit a person licensed as a contractor under this chapter from using the services of a person who is not a registered or certified technician, rather than a registered technician, or a licensed air conditioning and refrigeration contractor to assist in the performance of air conditioning and refrigeration maintenance work.

SECTION 5. Amends Section 1302.402, Occupations Code, to provide that a proceeding for the denial of a license, certification, or registration application, rather than 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 Section 1302.453(a), Occupations Code, to provide that a person commits an offense if the person knowingly engages in air conditioning and refrigeration maintenance work without holding a contractor license or a technician registration or certification, rather than without holding a contractor license or technician registration, issued under this chapter.

SECTION 7. Amends Section 1302.501, Occupations Code, as follows:

Sec. 1302.501. New heading: **REGISTRATION OR CERTIFICATION REQUIRED.** (a) Prohibits a person from acting or offering to act as an air conditioning and refrigeration technician unless the person is registered or certified under this subchapter (Air Conditioning and Refrigeration Technicians).

(b) Provides that an air conditioning and refrigeration technician registration or certification, rather than technician registration, is valid throughout the state.

(c) Makes a conforming change.

SECTION 8. Amends the heading to Section 1302.503, Occupations Code, to read as follows:

Sec. 1302.503. **SUPERVISION REQUIREMENTS FOR TECHNICIANS.**

SECTION 9. Amends the heading to Section 1302.5035, Occupations Code, to read as follows:

Sec. 1302.5035. **REGISTRATION ELIGIBILITY REQUIREMENTS.**

SECTION 10. Amends Subchapter K, Chapter 1302, Occupations Code, by adding Section 1302.5036, as follows:

Sec. 1302.5036. **CERTIFICATION ELIGIBILITY REQUIREMENTS.** Sets forth the eligibility requirements for an applicant for a technician certification under this subchapter.

SECTION 11. Amends Section 1302.504(a), Occupations Code, to require an applicant for an air conditioning and refrigeration technician registration or certification, rather than technician registration, to submit a verified application on a form prescribed by the executive director of the Texas Department of Licensing and Regulation (TDLR).

SECTION 12. Amends Subchapter K, Chapter 1302, Occupations Code, by adding Section 1302.5055, as follows:

Sec. 1302.5055. ISSUANCE AND TERM OF CERTIFICATION. (a) Requires TDLR to issue an air conditioning and refrigeration technician certification to an applicant who meets certain requirements.

(b) Authorizes an applicant who received a certification under this subchapter to use the designation "certified technician."

(c) Provides that a certification issued under this subchapter expires on the first anniversary of the date of issuance.

SECTION 13. Amends Section 1302.509, Occupations Code, as follows:

Sec. 1302.509. New heading: LIMITATIONS ON TECHNICIAN. Prohibits a person registered or certified, rather than a person registered, under this subchapter from performing certain actions.

SECTION 14. Repealer: Section 1302.508 (Certified Technician), Occupations Code.

SECTION 15. Requires TDLR, not later than December 31, 2017, to adopt rules implementing Chapter 1302, Occupations Code, as amended by this Act.

SECTION 16. (a) Makes application of the changes in law made by this Act to Subchapter K, Chapter 1302, Occupations Code, prospective to January 1, 2018.

(b) Provides that the repeal by this Act of Section 1302.508, Occupations Code, does not affect the validity of a certification issued by TDLR before January 1, 2018, and the former law is continued in effect for the purpose of that certification.

SECTION 17. Effective date: September 1, 2017.