

AIR CONDITIONING AND REFRIGERATION CONTRACTOR

*Administrative Rules of the Texas Department of Licensing and Regulation
16 Texas Administrative Code, Chapter 75*

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§75.1. Authority. *(Section 75.1 effective January 28, 1993, 18 TexReg 301; repealed effective July 21, 1999, 24 TexReg 5469; new section effective July 21, 1999, 24TexReg 5470; amended effective March 7, 2001, 26 TexReg 1833)*

The sections in this chapter are authorized by the Air Conditioning and Refrigeration Contractor License Law, Texas Revised Civil Statutes Annotated Articles 8861 (the Act) and the Texas Occupations Code, Chapter 51.

§75.10. Definitions. *(Section 75.10 effective January 28, 1993, 18 TexReg 301; amended effective November 16, 1993, 18 TexReg 7927; amended effective February 9, 1995, 20 TexReg 435; amended effective October 1, 1995, 20 TexReg 7280; amended effective January 10, 1997, 22 TexReg 737; amended effective January 1, 1998, 22 TexReg 12757; repealed effective July 21, 1999, 24 TexReg 5469; new section effective July 21, 1999, 24 TexReg 5470; amended effective December 5, 1999, 24 TexReg 10857; amended effective March 7, 2001, 26 TexReg 1833; amended effective November 5, 2001, 26 TexReg 8814)*

The following words and terms have the following meanings:

- (1) **Advertising or Advertisement**-Any commercial message which promotes the services of an air conditioning and refrigeration contractor.
- (2) **Air conditioning and refrigeration subcontractor**-A person or firm who contracts with a licensed air conditioning contractor for a portion of work requiring a license under the Act. The subcontractor contracts to perform a task according to his own methods, and is subject to the contractor's control only as to the end product or final result of his work.
- (3) **Air conditioning or heating unit**-A stand-alone system with its own controls that conditions the air for a specific space and does not require a connection to other equipment, piping, or ductwork in order to function.
- (4) **Assumed name**-As defined in the Business and Commerce Code, Title 4, Chapter 36, Subchapter A, Section 36.02.
- (5) **Biomedical Remediation**-The treatment of ducts, plenums, or other portions of air conditioning or heating systems by applying disinfectants, anti-fungal substances, or products designed to reduce or eliminate the presence of molds, mildews, fungi, bacteria, or other disease-causing organisms.
- (6) **Boiler**-As defined in the Health and Safety Code, Title 9, Subtitle A, Chapter 755.Boilers.
- (7) **Business affiliation**-The business organization with which a licensee elects to affiliate.
- (8) **Cheating**-Attempting to obtain, obtaining, providing, or using answers to examination questions by deceit, fraud, dishonesty, or deception.
- (9) **Commissioner**-As used in Texas Civil Statutes, Article 8861, and in these rules, has the same meaning as Executive Director.

- (10) **Contracting**-Agreeing to perform work, either verbally or in writing, or performing work, either personally or through an employee or subcontractor.
- (11) **Cryogenics**-refrigeration that deals with producing temperatures ranging from:
- (A) -250 degrees F to Absolute Zero (-459.69 degrees F);
 - (B) -156.6 degrees C to -273.16 degrees C;
 - (C) 116.5 K to 0 K; or
 - (D) 209.69 degrees F to 0 degrees R.
- (12) **Design of a system**-making decisions on the necessary size of equipment, number of grilles, placement and size of supply and return air ducts, and any other requirements affecting the ability of the system to perform the function for which it was designed.
- (13) **Direct personal supervision**-Directing and verifying the design, installation, construction, maintenance, service, repair, alteration, or modification of an air conditioning, refrigeration, process cooling, or process heating product or equipment for compliance with mechanical integrity.
- (14) **Employee**-An individual who performs tasks assigned to him by his employer. The employee is subject to the deduction of social security and federal income taxes from his pay. An employee may be full time, part time, or seasonal. Simultaneous employment with a temporary employment agency, a staff leasing agency, or other employer does not affect his status as an employee.
- (15) **Employer**-One who employs the services of others, pays their wages, deducts the required social security and federal income taxes from the employee's pay, and directs and controls the employee's performance.
- (16) **Executive Director**-as used in Texas Civil Statutes, Article 8861, and in these rules, has the same meaning as Commissioner.
- (17) **Full time employee**-an employee who is present on the job 40 hours a week, or at least 80% of the time the company is offering air conditioning and refrigeration contracting services to the public, whichever is less.
- (18) **Licensee**-an individual holding a license of the class and endorsement appropriate to the work performed under the Act and these rules.

- (19) **Permanent office**-Any business location at which contractual agreements to perform work requiring a license under the Act are arranged and where supervising control for those contracts originate. Temporary construction sites or other locations at which employees of a licensee work under contract to provide service, maintenance and repair work are not permanent offices.
- (20) **Primary process medium**-a refrigerant or other primary process fluid that is classified in the current ANSI/ASHRAE Standard 34 as Safety Group A1, A2, B1, or B2. Safety Groups A3 and B3 refrigerants are specifically excluded.
- (21) **Proper installation**-installing air conditioning or refrigeration equipment in accordance with:
 - (A) applicable municipal ordinances and codes adopted by a municipality where the installation occurs;
 - (B) the least stringent current Uniform Mechanical Code, International Mechanical Code, and International Fuel Gas Code in areas where no code has been adopted;
 - (C) the manufacturer's instructions; and
 - (D) all requirements for safety and the proper performance of the function for which the equipment or product was designed.
- (22) **Repair work**-diagnosing and repairing problems with air conditioning, commercial refrigeration, or process cooling or heating equipment, and remedying or attempting to remedy the problem. Repair work does not mean simultaneous replacement of the condensing unit, furnace, and evaporator coil.

§75.20. Licensing Requirements – Application and Experience Requirements.. (Section 75.20 effective January 28, 1993, 18 TexReg 301; amended effective November 16, 1993, 18 TexReg 7927; amended effective August 1, 1994, 19 TexReg 5637; amended effective January 10, 1997, 22 TexReg 737; amended effective January 1, 1998, 22 TexReg 12757; repealed effective July 21, 1999, 24 TexReg 5469, new section effective July 21, 1999, 24 TexReg 5470; amended effective March 7, 2001, 26 TexReg 1833; amended effective June 13, 2001, 26 TexReg 4094)

- (a) An applicant shall submit a complete application and appropriate fees. An applicant must complete all requirements, including passing the exam, within one year of the date the application is filed.
- (b) An applicant who uses credit for air conditioning and refrigeration courses to fulfill up to two years of the required 36 months of experience with the tools of the trade must furnish a copy of:

- (1) a transcript or diploma showing a degree in air conditioning engineering, refrigeration engineering, or mechanical engineering;
 - (2) a transcript, certificate or diploma in a course emphasizing hands-on training with the tools of the trade; or
 - (3) transcript of courses taken without earning a certificate or diploma emphasizing hands-on training with the tools of the trade. Transcripts must be from schools authorized or approved by the Texas Workforce Commission, the U.S. Department of Education, the Coordinating Board of the Texas College & University System, or other organizations recognized by the Department. Credit will be allowed at the rate of one month credit for every two months of completed training. Thirty semester hours are equivalent to six months credit of experience. For schools issuing certificates based on classroom hours, fifteen lecture hours are equivalent to one semester hour and 30 lab hours are equivalent to one semester hour.
- (c) Obtaining a license by fraud or false representation is grounds for an administrative sanction and/or penalty.

§75.21. Licensing Requirements - Examinations. *(Section 75.21 effective January 28, 1993, 18 TexReg 301; amended effective November 16, 1993, 18 TexReg 7927; amended effective February 9, 1995, 20 TexReg 435; amended effective October 1, 1995, 20 TexReg 7280; amended effective January 10, 1997, 22 TexReg 737; amended effective January 1, 1998, 22 TexReg 12757; repealed effective July 21, 1999, 24 TexReg 5469, new section effective July 21, 1999, 24 TexReg 5470; amended effective March 7, 2001, 26 TexReg 1833)*

- (a) A passing grade is 70%.
- (b) The exams will be administered to applicants in a format determined by the Department.
- (c) An applicant may request an accommodation based on disability, in accordance with the Americans with Disabilities Act, and/or language translation needs.
 - (1) The request must be in writing.
 - (2) Requests must specify the type of special accommodation needed and the reason.
 - (3) Proof of disability may be required.
 - (4) Language translation costs shall be paid by the applicant.
 - (5) An applicant who does not show up for a scheduled exam will forfeit the exam fee.
- (d) Cheating on an examination is grounds for denial, suspension, or revocation of a license and/or an administrative penalty.

- (e) An applicant who has passed an exam for a particular class and endorsement and has been licensed or is eligible for licensure in that class and endorsement, may not retake that examination.

§75.22. Licensing Requirements – General. *(Section 75.22 effective January 28, 1993, 18 TexReg 301; amended effective November 16, 1993 18 TexReg 7927; amended effective January 10, 1997, 22 TexReg 737; amended effective January 1, 1998, 22 TexReg 12757; repealed effective July 21, 1999, 24 TexReg 5469, new section effective July 21, 1999, 24 TexReg 5470; amended effective March 7, 2001, 26 TexReg 1833; amended effective September 1, 2001, 26 TexReg 3892)*

- (a) Unless licensed under the provisions of the Act, with a license of the class and endorsement appropriate for the work described or advertised, it is unlawful for any person, partnership, firm, or corporation to perform or offer to perform air conditioning and refrigeration contracting or to use a license number that is not assigned to that person, partnership, firm, or corporation.
- (b) All air conditioning and refrigeration contractor's licenses expire one year after the date issued, renewed, or reissued.
- (c) A license number is not transferable.
- (d) Endorsement Codes are as follows: Environmental Air Conditioning-E; Commercial Refrigeration & Process Cooling and Heating-R; Combined Endorsements-C. License numbers shall have the following form: Title/Class/Number/Endorsement code-TACL/A/000000/C.
- (e) A holder of a Class B license may design, install, construct, maintain, service, repair, alter, or modify individual units of 25 tons or less of cooling capacity or 1.5 million Btu/h or less of heating capacity. In a building or a complex of buildings having more than one air conditioning or heating unit, the combined cooling capacity may exceed 25 tons and heating capacity may exceed 1.5 million Btu/h, as long as each complete individual unit does not exceed the capacities stated above.
- (f) Any contractor who has a Class B license with one or two endorsements may upgrade either endorsement by passing the Class A examination for that endorsement.
- (g) A contractor who wishes to have endorsements of different classes must have a separate license for each endorsement. The licenses will not have concurrent expiration dates unless both are issued on the same date.
- (h) A contractor may have only one endorsement per license when he has two licenses. Both licenses must have the same business affiliation and permanent and business addresses.
- (i) The insurance requirement for separate licenses can be met with a single policy with limits at least as high as those required for a Class A license. A waiver of insurance for one license automatically applies to both licenses.

- (j) Any violation of the law or the rules and regulations resulting in disciplinary action for one license may result in disciplinary action for the other license.
- (k) Unlicensed persons who operate as general contractors and subcontract work requiring a license under the Act may not bid or contract for a job that consists solely of work requiring a license under the Act unless the person or company has a bona fide employee whose license is assigned to the company. If a general contractor advertises that air conditioning, heating, or commercial refrigeration work is available as part of a job, the ad must state that air conditioning work will be performed by a licensed contractor.
- (l) Altering a license in any way is prohibited and is grounds for a sanction and/or penalty.
- (m) If a licensee contracts with a general contractor or a home warranty company to provide installation or service that requires a license under the Act, the licensee remains responsible for the mechanical integrity of that work.
- (n) The wallet card is the actual license and will include, but is not limited to, the licensee's name, business name and address, license number, endorsements, and effective, revision (if any), and expiration dates of the license. A wall certificate will be issued to a new licensee.
- (o) An air conditioning and refrigeration contracting company shall request removal of the company name from the Department's records within ten business days for any employee whose license is affiliated with the company when the employment ends.
- (p) A person or an air conditioning and refrigeration contracting company that performs air conditioning and refrigeration contracting shall:
 - (1) provide proper installation, service, or mechanical integrity;
 - (2) not knowingly and intentionally misrepresent necessary services, services to be provided, or services that have been provided;
 - (3) not make a fraudulent promise or false statement to influence, persuade, or induce an individual or a company to contract for services.

§75.23. Licensing Requirements – Temporary Licenses.. (Section 75.23 effective January 28, 1993, 18 TexReg 301; amended effective August 1, 1994, 19 TexReg 5637; amended effective January 10, 1997, 22 TexReg 737; repealed effective July 21, 1999, 24 TexReg 5469, new section effective July 21, 1999, 24 TexReg 5470; amended effective March 7, 2001, 26 TexReg 1833)

- (a) A company owner or officer, whose only license holder is no longer available due to death, disability, or dissolution of a partnership or corporation, may request a temporary license. A temporary license is not available to:

- (1) a new unlicensed owner of a company who was not an owner or officer of the company before it was dissolved; or
 - (2) an employee of a sole proprietorship if the licensed owner closes or sells the business.
- (b) The temporary license request shall be made by an owner or partner who was affiliated with the firm at the time the license holder became unavailable. The person who will hold the temporary license shall be an owner, partner, or employee already associated with the firm, and must meet all eligibility requirements to take an examination for a license.
- (c) The request for a temporary license must:
- (1) be made within ten business days from the date the license holder became unavailable;
 - (2) be in writing;
 - (3) state the reason for the request including the circumstances and legal organization of the company involved;
 - (4) include a completed application with all applicable fees; and
 - (5) include a new certificate of insurance covering the company and the temporary license holder.
- (d) A non-renewable temporary license shall be valid for a period of 30 days from date of issuance.
- (e) A temporary license number assigned by the Department must be shown on company vehicles, and must be printed or stamped on invoices and proposals. The temporary license shall be numbered by the Department as follows: Title/Class/Number/Endorsement code/Temporary Designation.
- (f) The Executive Director may waive any provision under this section and issue a temporary license for just cause.

§75.24. Licensing Requirements – Renewal. (Section 75.24 effective January 28, 1993, 18 TexReg 301; amended effective November 16, 1993, 18 TexReg 7927; amended effective January 1, 1998, 22 TexReg 12757; repealed effective July 21, 1999, 24 TexReg 5469; new section effective July 21, 1999, 24 TexReg 5470; amended effective March 7, 2001, 26 TexReg 1833)

- (a) A license that has expired for a period of less than six months may be reissued upon meeting the conditions of a license renewal.

- (b) The request for renewal must be postmarked by the expiration date. Any request postmarked after the expiration date will be assessed a late fee of \$50.
- (c) A renewal request must contain:
 - (1) the licensee's name, license number, permanent address and telephone number;
 - (2) the name, physical address and telephone number of the business with which the licensee is affiliated;
 - (3) all appropriate fees; and
 - (4) evidence of the applicable insurance requirement if a Certificate is not on file, including any past due Certificates, or a request for a waiver of insurance if applicable.

§75.26 Certificate of Registration. *((Section 75.26 effective January 1, 1998, 22 TexReg 12757; repealed effective July 21, 1999, 24 TexReg 5469, new section effective July 21, 1999, 24 TexReg 5470; amended effective March 7, 2001, 26 TexReg 1833))*

- (a) Persons exempt under Article 8861, Sections 6(a)(2) and 6(a)(4) who purchase refrigerants and equipment containing refrigerants shall first request a Certificate of Registration on an application form provided by the Department. The Certificate of Registration fee shall accompany the application.
- (b) Persons who purchase refrigerants or equipment containing refrigerants shall, at the time of purchasing such items, provide to the seller a picture identification along with the Certificate of Registration.
- (c) The Certificate of Registration remains valid if the exempt person changes employment and continues to perform work that is exempt under the same section of the Act. Changes in employment and leaving or re-entering the exempt work category must be reported by the certificate holder to the Department within 30 days of the change.
- (d) A Certificate of Registration is invalid if the exempt person ceases to be employed as defined under Section 6(a)(2) or 6(a)(4) of the Act.
- (e) A Certificate of Registration does not:
 - (1) replace any other requirement for purchasing refrigerant products under the Federal Clean Air Act amendments of 1990 and federal administrative rules adopted under that section; nor
 - (2) authorize the certificate holder to perform air conditioning and refrigeration work that is not covered by the appropriate exemption from licensing in the Act.

- (f) A flammable refrigerant or refrigerant substitute that contains a liquid petroleum-based product that has been listed as acceptable by the Environmental Protection Agency, may be sold and used in accordance with rules issued by the Environmental Protection Agency.
- (g) Equipment containing a half-ounce or less of refrigerant may be purchased without a license or a Certificate of Registration.
- (h) Obtaining a Certificate of Registration by fraud or false representation is grounds for an administrative sanction and/or penalty.

§75.30. Exemptions. *(Section 75.30 effective January 28, 1993, 18 TexReg 301; amended effective August 1, 1994, 19 TexReg 5637; amended effective January 10, 1997, 22 TexReg 737; repealed effective July 21, 1999, 24 TexReg 5469, new section effective July 21, 1999, 24 TexReg 5470; amended effective March 7, 2001, 26 TexReg 1833)*

Licensure requirements under the Act and these Rules do not apply to:

- (1) persons who conduct air conditioning and refrigeration contracting, are employed by a regulated public utility facility and perform those services in connection with the utility business in which the person is employed;
- (2) an individual who performs air conditioning and refrigeration maintenance work on equipment and property owned by him if he does not engage in the occupation of air conditioning and refrigeration contracting for the general public. This exemption applies only to the property owner and not to others who may attempt to assist the owner.
- (3) those who hold a valid Certificate of Authorization issued by the American Society of Mechanical Engineers or The National Board of Boiler and Pressure Vessel Inspectors that are:
 - (A) appropriate for the scope of work to be performed, and
 - (B) performed solely on boilers as defined in the Health and Safety Code, Title 9, Subtitle A, Chapter 755. Boiler; or
- (4) a person who performs air conditioning contracting on unducted fireplace stoves.

§75.40. Insurance Requirements. *((Section 75.40 effective January 28, 1993, 18 TexReg 301; amended effective January 7, 1994, 18 TexReg 9929; amended effective August 1, 1994, 19 TexReg 5637; amended effective January 10, 1997, 22 TexReg 737; repealed effective July 21, 1999, 24 TexReg 5469, new section effective July 21, 1999, 24 TexReg 5470; amended effective March 7, 2001, 26 TexReg 1833)*

- (a) Class A licensees shall maintain commercial general liability insurance at all times during a license period:

- (1) of at least \$300,000 per occurrence (combined for property damage and bodily injury);
 - (2) of at least \$300,000 aggregate (total amount the policy will pay for property damage and bodily injury coverage);
 - (3) of at least \$300,000 aggregate for products and completed operations, and
 - (4) with a deductible no higher than \$1,000.
- (b) Class B licensees shall maintain commercial liability insurance at all times during a license period:
- (1) of at least \$100,000 per occurrence (combined for property damage and bodily injury);
 - (2) of at least \$100,000 aggregate (total amount the policy will pay for property damage and bodily injury coverage);
 - (3) of at least \$100,000 aggregate for products and completed operations, and
 - (4) with a deductible no higher than \$500.
- (c) Insurance must be obtained from an admitted company or an eligible surplus lines carrier, as defined in the Texas Insurance Code, Article 1.14-2, or other insurance companies that are rated by A.M. Best Company as B+ or higher.
- (d) If a deductible exceeds the level allowed for a Class A or a Class B license, the contractors' business affiliation is considered to be self-insured. Any contractor whose business affiliation is self-insured must provide an affidavit of responsibility and a certified financial statement showing a net worth of at least the amount required by the deductible for that particular license.
- (e) A license applicant or licensee shall furnish to the Department a completed certificate of insurance on a form provided by the Department not later than 30 days after expiration of the previous certificate. The certificate shall be furnished to each municipality in which the licensee registers his/her license.
- (f) Insurance coverage specified in this section shall be maintained during the license period.
- (g) Requests to waive the insurance requirements because the license holder does not contract with the public shall:
- (1) be submitted in writing to the Department;

- (2) contain a detailed explanation of the conditions under which the waiver is requested; and
 - (3) be accompanied by a confirmation of employment by the current employer when working under the license of another contractor as an employee.
- (h) Air conditioning and refrigeration contracting shall not be performed, or offered to be performed, with the public by a licensee that has received a waiver of insurance.

§75.65. Advisory Board. *((Section 75.65 effective January 7, 1993, 18 TexReg 9929; amended effective October 1, 1995, 20 TexReg 7280; amended effective January 10, 1997, 22 TexReg 737; amended effective July 21, 1999, 24 TexReg 5468; repealed effective July 21, 1999, 24 TexReg 5469, new section effective July 21, 1999, 24 TexReg 5470; amended effective March 7, 2001, 26 TexReg 1833))*

- (a) The purpose of the Air Conditioning and Refrigeration Contractors Advisory Board is to advise the Executive Director on adopting rules, enforcing and administering the Act, and setting fees.
- (b) Recommendations of the Board will be transmitted to the Executive Director through the General Counsel.
- (c) Board meetings are called by the chair. Meetings in excess of one every six months may be authorized by the Executive Director.
- (d) Expenses reimbursed to board members is limited to authorized expenses incurred while traveling to and from board meetings.
- (e) Expenses paid to board members shall be limited to those allowed by the State of Texas Travel Allowance Guide, the Texas Department of Licensing and Regulation policies governing employee travel allowances, and the General Appropriations Act.
- (f) Expenses can be reimbursed to board members only when the legislature has specifically appropriated money for that purpose, and only to the extent of the appropriation.

§75.70. Responsibilities of the Licensee and the Air Conditioning and Refrigeration Contracting Company. *((Section 75.70 effective January 28, 1993, 18 TexReg 301; amended effective November 16, 1993, 18 TexReg 7927; amended effective August 1, 1994, 19 TexReg 5637; amended effective February 9, 1995, 20 TexReg 435; amended effective January 10, 1997, 22 TexReg 737; amended effective January 1, 1998, 22 TexReg 12757; repealed effective July 21, 1999, 24 TexReg 5469, new section effective July 21, 1999, 24 TexReg 5470; amended effective March 7, 2001, 26 TexReg 1833))*

- (a) The licensee shall:
 - (1) if affiliated with a business, choose one business affiliation that will use the licensee's license;

- (2) be a bona fide employee or owner of the business affiliation, and must work full time at the business affiliation, or permanent office of the business affiliation;
 - (3) use his license for one business affiliation and one permanent office at any given time;
 - (4) furnish the Department with his or her permanent mailing address and the name, physical address, and telephone number of the business affiliation; and
 - (5) furnish to the Department, copies of assumed name registrations.
- (b) A licensee may subcontract portions of work requiring a license under the Act to unlicensed persons, firms, or corporations as long as:
- (1) the licensee actively provides work or service which requires a license, either in person or with the licensee's bona fide employees;
 - (2) the work or service provided in person or with the licensee's bona fide employees consists of more than accepting a contract or request for service, scheduling the work, and providing supervision of the work; and
 - (3) the licensee is ultimately responsible to the customer for all work performed by the subcontractor.
- (c) The design of a system may not be subcontracted to an unlicensed person, firm or corporation.
- (d) A licensee who subcontracts with an air conditioning and refrigeration contracting company other than his own, must work under the license of the other air conditioning and refrigeration business. The work must be billed by the other air conditioning and refrigeration contracting company, and the licensee working as a subcontractor must be paid by the other company. The licensee who is the contractor is responsible for all subcontracted work.
- (e) Each air conditioning and refrigeration contracting company shall have a licensee employed full time in each permanent office operated in Texas. All work requiring a license under the Act shall be under the direct personal supervision of the licensee for that office.
- (f) The licensee is responsible under the Act for all work performed under his/her supervision, regardless of whether or not the owners, officers, or managers of the air conditioning and refrigeration contracting company allow the licensee the authority to supervise, train, or otherwise control compliance with the Act.

- (g) If an air conditioning and refrigeration contracting company uses locations other than a permanent office, those locations shall be used only to receive instructions from the permanent office on scheduling of work, to store parts and supplies, and/or to park vehicles. These locations may not be used to contract air conditioning sales or service. The air conditioning and refrigeration contracting company shall provide the address of these other locations to the Department no later than 30 days after the locations are established or changed.
- (h) A licensee may not permit a person or any company with which his or her license is not affiliated, and by whom he or she is not employed, to use his or her license for any purpose.
- (i) Each licensee and air conditioning and refrigeration contracting company shall display the license number and company name in letters not less than two inches high on both sides of all vehicles used in conjunction with air conditioning and refrigeration contracting. When an unlicensed subcontractor is at a job site not identified by a marked vehicle, the site shall be identified either by a temporary sign on the subcontractor's vehicle or on a sign visible and readable from the nearest public street containing the contractor's license number and company name.
- (j) All advertising by licensees and air conditioning and refrigeration contracting companies designed to solicit air conditioning or refrigeration business shall include the licensee's license number. The following advertising does not require the license number:
 - (1) nationally placed television advertising, in which a statement indicating that license numbers are available upon request is used in lieu of the licensee's license number;
 - (2) telephone book listings that contain only the name, address, and telephone number;
 - (3) manufacturers' and distributor's telephone book trade ads endorsing an air conditioning and refrigeration contractor;
 - (4) telephone solicitations, provided the solicitor states that the company is licensed by the state. The license number must be provided upon request of a consumer.
 - (5) promotional items of nominal value such as ball caps, tee shirts, and other gifts;
 - (6) letterheads and printed forms for office use; and
 - (7) signs located on the contractor's permanent business location.
- (k) An invoice shall be provided to the consumer for all work performed. The company name, address, and phone number shall appear on all proposals and invoices. The licensee's license number shall appear on all proposals and invoices for that office. The following information: "Regulated by The Texas Department of Licensing and Regulation, P. O. Box 12157, Austin, Texas 78711, 1-800-803-9202, 512-463-6599" shall be listed on:

- (1) proposals and invoices;
 - (2) written contracts; and
 - (3) a sign prominently displayed in the place of business if the consumer or service recipient may visit the place of business for service.
- (l) A licensee or an air conditioning and refrigeration contracting company that also acts as a general contractor may provide a one-time notice stating the information above to customers for whom they provide services requiring a license under the Act.
- (m) If information provided to the Department by the licensee changes, the licensee shall:
- (1) notify the Department, in writing, within 30 days of any change in permanent mailing address, business affiliation, business location, or business telephone number; and
 - (2) if the information is printed on the license:
 - (A) return the current original license to the Department;
 - (B) pay the appropriate revision fee required in Section 75.80 of this title (relating to Fees); and
 - (C) provide a revised insurance certificate if the business affiliation name or address has changed.
- (n) The permanent address shall be considered the licensee's permanent mailing address and address of record. All correspondence from the Department will be mailed to that address.

§75.80. Fees. *(Section 75.80 effective January 28, 1993, 18 TexReg 301; amended effective November 16, 1993, 18 TexReg 7927; amended effective October 1, 1995, 20 TexReg 7280; amended effective January 10, 1997, 22 TexReg 737; amended effective January 1, 1998, 22 TexReg 12757; repealed effective July 21, 1999, 24 TexReg 5469, new section effective July 21, 1999, 24 TexReg 5470; amended effective December 5, 1999, 24 TexReg 10857; amended effective April 18, 2000, 25 TexReg 3248; amended effective March 7, 2001, 26 TexReg 1833; amended effective September 1, 2001, 26 TexReg 3892)*

- (a) Exam Fees. Class A and Class B exam fees are:
- (1) application fee is \$50 per applicant; the application fee is not refundable; and
 - (2) exam and re-exam fee is \$50 for each exam requested.
- (b) License Fees. License fees are:
- (1) Class A or B initial license or renewal fee for one year is \$125; and

- (2) late renewal fee is \$50.
- (c) Issuance of a revised or duplicate license is \$25.
- (d) The addition of an endorsement to an existing license is \$25 (current original license must be returned). This fee may be waived if the reprint coincides with a renewal or revision, for which required fees are paid.
- (e) Certificate of Registration fee is \$25.

§75.90. Sanctions – Administrative Sanctions/Penalties.. *(Section 75.90 effective January 28, 1993, 18 TexReg 301; amended effective January 1, 1998, 22 TexReg 12757; repealed effective July 21, 1999, 24 TexReg 5469, new section effective July 21, 1999, 24 TexReg 5470; amended effective December 5, 1999, 24 TexReg 10857; amended effective March 7, 2001, 26 TexReg 1833)*

A person that violates Texas Revised Civil Statutes Annotated, Article 8861, or a rule, or order of the Executive Director or Commission relating to the Act, shall be subject to the imposition of administrative sanctions and/or administrative penalties in accordance with the Act or the Texas Occupations Code, Chapter 51 and 16 Texas Administrative Code, Chapter 60 of this title (relating to the Texas Department of Licensing and Regulation).

§75.100. Technical Requirements.. *(Section 75.100 effective January 28, 1993, 18 TexReg 301; amended effective January 7, 1994, 18 TexReg 9929; amended effective March 30, 1995, 20 TexReg 1887; amended effective October 1, 1995, 20 TexReg 7280; amended effective January 10, 1997, 22 TexReg 737; repealed effective July 21, 1999, 24 TexReg 5469, new section effective July 21, 1999, 24 TexReg 5470; amended effective March 7, 2001, 26 TexReg 1833)*

- (a) Electrical Connections.
 - (1) On new construction of environmental air conditioning, commercial refrigeration, and process cooling or heating systems, licensees shall connect the appliance to the electrical line or disconnect that is provided for that purpose.
 - (2) Licensees may replace and reconnect environmental air conditioning, commercial refrigeration, process cooling or heating systems, or component parts of the same or lesser amperage. On replacement environmental air conditioning, commercial refrigeration, process cooling or heating systems where the electrical disconnect has not been installed and is required by the current National Electrical Code, the licensee may install a disconnect directly adjacent to or on the replacement system and reconnect the system.
 - (3) Control wiring of 50 volts or less may be installed and serviced by a licensee.
 - (4) All electrical work shall be performed in accordance with standards at least as strict as that established by the current National Electrical Code.

(b) Piping.

- (1) Fuel gas piping for new or replaced environmental air conditioning, commercial refrigeration, or process cooling or heating systems may be installed by a licensee. Fuel gas piping by a licensee is limited to the portion of piping between the appliance and the existing piping system, connected at an existing shut-off valve for such use. Existing piping systems, stops, or shut-off valves shall not be altered by a licensee.
- (2) Drain piping associated with environmental air conditioning, commercial refrigeration, or process cooling or heating systems shall be installed by a licensee if it terminates outside the building. If the piping terminates inside the building, a licensee may make the connection if the connection is on the inlet side of a properly installed trap. Such drain piping shall be installed in accordance with applicable plumbing and building codes.
- (3) Mechanical piping associated with environmental air conditioning, commercial refrigeration, or process cooling or heating systems shall be installed by a licensee.

(c) Duct cleaning.

- (1) Duct cleaning and air quality testing, including biomedical testing may be performed by an unlicensed person or company if:
 - (A) the task is limited to the air distribution system, from the discharge of the unit to the inlet of the unit;
 - (B) no cuts are made to ducts or plenums;
 - (C) no changes are made to electrical connections;
 - (D) the only disassembly of any part of the system is opening or removal of access panels or doors, return air grills, or registers that are removable without cutting or removing any other part of the system; and
 - (E) coils are cleaned in place and can be accessed without cutting or disassembly of any part of the system and no biomedical remediation is performed.
- (2) Biomedical testing may be performed by an unlicensed person or company. Biomedical remediation requires a license.

(d) Process Cooling and Heating.

- (1) Process cooling and heating work does not include cryogenic work.
- (2) Process cooling and heating is limited to work performed on piping and equipment in the primary closed loop portions of processing systems containing a primary process medium. Once a primary closed loop process system has been deactivated and rendered inert, a non-licensed person may perform repairs on piping, heat exchangers, and vessels.

(e) Standards

- (1) The standard for the practice of air conditioning and refrigeration in a municipality is the code the municipality adopted by ordinance, provided that the ordinance does not make the code less strict than the current edition of the code adopted.
- (2) The standards for the practice of air conditioning and refrigeration in an area where no code has been adopted is the least strict applicable provision of the 2000 International Mechanical Code or the current Uniform Mechanical Code.