

# TEXAS DEPARTMENT OF LICENSING AND REGULATION

P.O. BOX 12157  
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## TEXAS AIR CONDITIONING AND REFRIGERATION CONTRACTOR LICENSE LAW

**TEX. CIV. STAT. ANN. art. 8861,**

**AND**

**ADMINISTRATIVE RULES**

**AND**

**TEXAS DEPARTMENT OF LICENSING AND REGULATION  
TEXAS OCCUPATIONS CODE, CHAPTER 51**

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# AIR CONDITIONING AND REFRIGERATION CONTRACTORS

## Occupations Code

### Title 8. Regulation of Environmental and Industrial Trades

#### Chapter 1302

Administered by the Texas Department of Licensing and Regulation

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## SUBCHAPTER A. GENERAL PROVISIONS

### § 1302.001. Short Title

This chapter may be cited as the Air Conditioning and Refrigeration Contractor License Law.

### § 1302.002. Definitions

In this chapter:

- (1) "Advisory board" means the air conditioning and refrigeration contractors advisory board.
- (2) "Air conditioning and refrigeration contracting" means performing or offering to perform the design, installation, construction, repair, maintenance, service, or modification of equipment or a product in an environmental air conditioning system, a commercial refrigeration system, or a process cooling or heating system.
- (3) "Air conditioning and refrigeration contracting company" means a person who or business entity that engages in air conditioning and refrigeration contracting for the public.
- (4) "Air conditioning and refrigeration contractor" means a person who engages in air conditioning and refrigeration contracting.
- (5) "Air conditioning and refrigeration maintenance work" means all work, including repair work, required for the continued normal performance of an environmental air conditioning system, a process cooling or heating system, a commercial refrigeration system, or commercial refrigeration equipment. The term does not include:
  - (A) the total replacement of a system; or
  - (B) the installation or repair of a boiler or pressure vessel that must be installed in accordance with rules adopted by the commissioner under Chapter 755, Health and Safety Code.
- (6) "Commercial refrigeration" means the use of mechanical or absorption equipment to control temperature or humidity to satisfy the intended use of a specific space.
- (7) "Commission" means the Texas Commission of Licensing and Regulation.
- (8) "Commissioner" means the commissioner of licensing and regulation.

- (9) "Cooling capacity" means the nominal tonnage of compression equipment based on 40 degrees Fahrenheit suction temperature and 105 degrees Fahrenheit condensing temperature.
- (10) "Department" means the Texas Department of Licensing and Regulation.
- (11) "Environmental air conditioning" means treating air to control temperature, humidity, cleanliness, ventilation, and circulation to meet human comfort requirements.
- (12) "Mechanical integrity" means the condition of a product, a system, or equipment installed in accordance with its intended purpose and according to:
  - (A) standards at least as strict as the standards provided by:
    - (i) the Uniform Mechanical Code published jointly by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, or their successor organizations; or
    - (ii) the Standard Mechanical Code published by the Southern Building Code Congress International, Inc., or its successor organization;
  - (B) all other applicable codes; and
  - (C) the manufacturer's specifications.
- (13) "MVAC-like appliance" has the meaning assigned that term by 40 C.F.R. Section 82.152.
- (14) "Person" means an individual.
- (15) "Process cooling or heating" includes controlling temperature, humidity, or cleanliness solely for production requirements or the proper operation of equipment.
- (16) "Refrigerant" means a class I or class II substance as listed in 42 U.S.C. Section 7671a and rules adopted under that section.

## **SUBCHAPTER B. EXEMPTIONS**

### **§ 1302.051. Limitation on Exemptions**

The exemptions provided by this subchapter do not exempt a person from the application of Subchapter H, except as otherwise provided by Subchapter H.

### **§ 1302.052. Application of Municipal Ordinances**

Work performed by a person who is exempt from this chapter is subject to any permit, inspection, or approval required by a municipal ordinance.

### **§ 1302.053. Homeowners**

This chapter does not apply to a person who engages in air conditioning and refrigeration contracting in a building owned solely by the person as the person's home.

### **§ 1302.054. Certain Maintenance Personnel**

This chapter does not apply to a person who performs air conditioning and refrigeration maintenance work if:

- (1) the person is a maintenance person or maintenance engineer and is a regular employee of the owner, lessee, or management company of the property where the work is being performed;
- (2) the person performs the work in connection with the business in which the person is employed; and
- (3) the person and the person's employer do not engage in air conditioning and refrigeration contracting for the public.

### **§ 1302.055. Certain Utilities Personnel**

This chapter does not apply to a person who engages in air conditioning and refrigeration contracting and is regularly employed by a regulated electric or gas utility.

### **§ 1302.056. Engineers**

This chapter does not apply to a person who is licensed as an engineer under Chapter 1001 and engages in air conditioning and refrigeration contracting work in connection with the business in which the person is employed but does not engage in that work for the public.

### **§ 1302.057. Industrial Operation Personnel**

This chapter does not apply to a person who is employed by an industrial operation, including a chemical plant, petrochemical plant, refinery, natural gas plant, or natural gas treating plant, and performs process cooling or heating work for the operation.

### **§ 1302.058. Certain Products or Equipment**

This chapter does not apply to a person who engages in air conditioning and refrigeration contracting on:

- (1) a portable or self-contained ductless air conditioning product that has a cooling capacity of three tons or less;
- (2) a portable or self-contained heating product that does not require the forced movement of air outside the heating unit;
- (3) environmental air conditioning equipment that is intended for temporary use and is not fixed in place; or
- (4) a residential refrigerator, freezer, or ice machine.

### **§ 1302.059. Motor Vehicles**

This chapter does not apply to a person who engages in or employs a person who engages in air conditioning services only on a motor vehicle or MVAC-like appliance air conditioner.

### **§ 1302.060. Vent Hoods**

This chapter does not apply to a person who installs, repairs, or removes a vent hood of the type commonly used in residential or commercial kitchens.

### **§ 1302.061. Manufactured Homes**

This chapter does not apply to a person or entity licensed as a manufacturer, retailer, rebuilder, or installer under Chapter 1201 and engaged exclusively in air conditioning and refrigeration contracting for manufactured homes if the installation of air conditioning components at the site where the home will be occupied is performed by a person licensed under this chapter.

### **§ 1302.062. No License Required for Certain Assistants**

A person is not required to hold a license if the person assists in air conditioning and refrigeration contracting under the supervision of a license holder.

### **§ 1302.063. No Exemption for Certain Persons Licensed Under Other Law**

A person who is licensed and engaged in business in this state as a plumber or who is regulated under Chapter 113, Natural Resources Code, may not engage or offer or attempt to engage in air conditioning and refrigeration contracting without a license under this chapter.

## **SUBCHAPTER C. COMMISSIONER AND DEPARTMENT POWERS AND DUTIES**

### **§ 1302.101. General Powers and Duties of Commissioner**

- (a) The commissioner shall:
  - (1) adopt rules for the practice of air conditioning and refrigeration contracting that are at least as strict as the standards provided by:
    - (A) the Uniform Mechanical Code published jointly by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as that code exists at the time the rules are adopted; or
    - (B) the Standard Mechanical Code published by the Southern Building Code Congress International, Inc., as that code exists at the time the rules are adopted;
  - (2) prescribe the design of an original and a renewal license; and
  - (3) maintain a record of the commissioner's proceedings under this chapter.
- (b) The commissioner may authorize disbursements necessary to implement this chapter, including disbursements for office expenses, equipment costs, and other necessary facilities.

### **§ 1302.102. Insurance Requirements**

- (a) The commissioner shall set insurance requirements for a license holder under this chapter.
- (b) The commissioner may waive the insurance requirements for a license holder who does not engage in air conditioning and refrigeration contracting for the public.

### **§ 1302.103. Rules Regarding Use and Display of License**

The commissioner, with the advice of the advisory board, shall adopt rules relating to the use, display, and advertisement of a license.

### **§ 1302.104. Contracts for Enforcement**

The department may contract with another state agency or a political subdivision of the state to enforce this chapter and rules adopted under this chapter.

**§ 1302.105. Personnel; Examiners**

- (a) The department may employ personnel necessary to administer this chapter.
- (b) The department shall employ at least two full-time air conditioning and refrigeration contractors to serve as examiners.

**§ 1302.106. Directory of License Holders**

- (a) The department shall annually publish a directory of license holders.
- (b) The department may sell the directory on payment of a reasonable fee set by the commission.

**§ 1302.107. Continuing Education**

- (a) The commissioner may recognize, prepare, or administer continuing education programs for license holders.
- (b) Participation in a continuing education program is voluntary.

**SUBCHAPTER D. CONSUMER INTEREST INFORMATION AND COMPLAINTS**

**§ 1302.151. Consumer Interest Information**

- (a) The commissioner shall prepare information of consumer interest describing:
  - (1) the functions performed by the commissioner under this chapter; and
  - (2) the rights of a consumer affected by this chapter.
- (b) The information must describe the procedure by which a consumer complaint is filed with and resolved by the commissioner.
- (c) The commissioner shall make the information available to the public.

**§ 1302.152. Complaint Investigation**

- (a) The commissioner shall investigate a consumer complaint filed with the commissioner.
- (b) The commissioner may take appropriate action under Section 51.353 if the commissioner determines after an investigation that a license holder violated this chapter or a rule adopted under this chapter.

## **SUBCHAPTER E. AIR CONDITIONING AND REFRIGERATION CONTRACTORS ADVISORY BOARD**

### **§ 1302.201. Advisory Board Membership**

The air conditioning and refrigeration contractors advisory board consists of six members appointed by the governor with the advice and consent of the senate and two ex officio nonvoting members.

### **§ 1302.202. Appointed Members**

- (a) Each appointed advisory board member must be experienced in the design, installation, construction, maintenance, service, repair, or modification of equipment used for environmental air conditioning, commercial refrigeration, or process cooling or heating. Of the appointed members:
  - (1) one must be an official of a municipality with a population of more than 250,000;
  - (2) one must be an official of a municipality with a population of not more than 250,000; and
  - (3) four must be full-time licensed air conditioning and refrigeration contractors, as follows:
    - (A) one member who holds a Class A license and practices in a municipality with a population of more than 250,000;
    - (B) one member who holds a Class B license and practices in a municipality with a population of more than 250,000;
    - (C) one member who holds a Class A license and practices in a municipality with a population of more than 25,000 but not more than 250,000; and
    - (D) one member who holds a Class B license and practices in a municipality with a population of not more than 25,000.
- (b) At least one appointed advisory board member must be an air conditioning and refrigeration contractor who employs organized labor and at least two appointed members must be air conditioning and refrigeration contractors who are licensed engineers.

### **§ 1302.203. Ex Officio Members**

The commissioner and the chief administrator of this chapter serve as ex officio, nonvoting members of the advisory board.

### **§ 1302.204. Advisory Board Duties**

- (a) The advisory board shall advise the commissioner in adopting rules and in administering and enforcing this chapter.
- (b) The advisory board shall advise the commission in setting fees under this chapter.

### **§ 1302.205. Terms; Vacancy**

- (a) Appointed advisory board members serve staggered six-year terms. The terms of two appointed members expire on February 1 of each odd-numbered year.
- (b) If a vacancy occurs during an appointed member's term, the governor shall fill the vacancy for the remainder of the unexpired term with a person who represents the same interests as the predecessor.

### **§ 1302.206. Presiding Officer**

The governor shall designate one member of the advisory board to serve as presiding officer.

### **§ 1302.207. Compensation; Reimbursement**

An appointed advisory board member serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in performing functions as an advisory board member, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.

### **§ 1302.208. Meetings**

- (a) The advisory board shall meet at least every six months and may meet at other times at the call of the presiding officer.
- (b) The advisory board shall meet in this state at a place designated by the board.

### **§ 1302.209. Vote Required for Action**

A decision of the advisory board is not effective unless it receives the affirmative vote of at least four members.

## **SUBCHAPTER F. LICENSE REQUIREMENTS**

### **§ 1302.251. License Required**

- (a) A person may not engage in air conditioning and refrigeration contracting unless the person holds a license under this subchapter or Subchapter G.
- (b) A license issued under this subchapter is valid throughout the state. A person who holds a license issued under this subchapter is not required to hold a municipal license under Subchapter G to engage in air conditioning and refrigeration contracting in any municipality in this state.

### **§ 1302.252. Requirement for Air Conditioning and Refrigeration Contracting Company**

- (a) An air conditioning and refrigeration contracting company must employ full-time in each permanent office a license holder who holds an appropriate license assigned to that company.
- (b) A company that does not employ a license holder as required by Subsection (a) at the time a contract for air conditioning and refrigeration contracting services is signed and at the time the services are performed may not collect a fee or otherwise enforce the contract.

### **§ 1302.253. License Classifications**

- (a) The commissioner shall issue a Class A or Class B air conditioning and refrigeration contractor license.
- (b) A Class A license entitles the license holder to engage in each type of air conditioning and refrigeration contracting that is endorsed on the license in relation to a system, a product, or equipment of any size or capacity.
- (c) A Class B license entitles the license holder to engage in each type of air conditioning and refrigeration contracting that is endorsed on the license in relation to a system, a product, or equipment of not more than:
  - (1) 25 tons cooling capacity; or
  - (2) 1.5 million British thermal units per hour output heating capacity.

### **§ 1302.254. License Endorsements**

- (a) An air conditioning and refrigeration contractor license must be endorsed with one or both of the following endorsements:

- (1) an environmental air conditioning endorsement; or
  - (2) a commercial refrigeration and process cooling or heating endorsement.
- (b) An environmental air conditioning endorsement entitles the license holder to engage in air conditioning and refrigeration contracting for environmental air conditioning within the class of license held.
- (c) A commercial refrigeration and process cooling or heating endorsement entitles the license holder to engage in air conditioning and refrigeration contracting for commercial refrigeration and process cooling or heating within the class of license held.
- (d) A license holder may not engage in a type of air conditioning and refrigeration contracting for which the person's license is not endorsed.

### **§ 1302.255. Eligibility Requirements**

- (a) An applicant for a license under this chapter must:
- (1) be at least 18 years old; and
  - (2) have at least 36 months of practical experience with the tools of the trade in the preceding five years.
- (b) For purposes of determining an applicant's practical experience under Subsection (a)(2), a degree or diploma in air conditioning engineering, refrigeration engineering, or mechanical engineering is equivalent to two years of practical experience if:
- (1) the degree or diploma is from an institution of higher education; and
  - (2) the institution's program is approved by the Texas Board of Professional Engineers for the purpose of licensing engineers.

### **§ 1302.256. Application; Fee**

- (a) An applicant for a license must submit a verified application on a form prescribed by the commissioner.
- (b) The application must specify the class of license and each endorsement for which the applicant is applying.
- (c) The application must be accompanied by:
- (1) a statement containing evidence satisfactory to the commissioner of the applicant's practical experience required by Section 1302.255(a)(2); and

- (2) the examination fee.

### **§ 1302.257. Examinations**

- (a) The commissioner shall prescribe:
  - (1) a separate examination for each class of license; and
  - (2) within each class of license, a separate examination for:
    - (A) an environmental air conditioning endorsement; and
    - (B) a commercial refrigeration and process cooling or heating endorsement.
- (b) The commissioner shall prescribe the method and content of an examination administered under this chapter and shall set compliance requirements for the examination. To obtain an endorsement, an applicant must pass the examination for the endorsement.
- (c) The examination shall be offered on a monthly basis or more frequently as determined by the commissioner.
- (d) The examination shall be offered at locations within the state as determined by the commissioner. The examination may be offered by computer at locations within the state as determined by the commissioner.

### **§ 1302.258. Examination Results; Reexamination**

- (a) The commissioner shall notify each examinee of the results of an examination not later than the 30th day after the date the examination is administered. If an examination is graded or reviewed by a national testing service, the commissioner shall notify each examinee of the results of the examination not later than the 14th day after the date the commissioner receives the results from the testing service.
- (b) If the notice of the results of an examination graded or reviewed by a national testing service will be delayed for more than 90 days after the examination date, the commissioner shall notify each examinee of the reason for the delay before the 90th day.
- (c) If requested in writing by a person who fails the examination, the commissioner shall provide to the person an analysis of the person's performance on the examination.
- (d) An applicant who fails an examination is eligible for reexamination.

### **§ 1302.259. Waiver of License Requirement**

The commissioner may waive any license requirement for an applicant who holds a license issued by another state that has a reciprocity agreement with this state.

### **§ 1302.260. Issuance and Term of License**

- (a) On payment of the license fee, the commissioner shall issue an air conditioning and refrigeration contractor license to an applicant who:
  - (1) meets the requirements of this subchapter;
  - (2) provides evidence of insurance coverage required by the commissioner in accordance with this chapter; and
  - (3) passes the applicable examination.
- (b) A license issued under this chapter expires at the end of the license period set by the commission.

### **§ 1302.261. Temporary License**

The commissioner by rule may provide for the issuance of a temporary air conditioning and refrigeration contracting license to an applicant who:

- (1) submits to the commissioner an application on a form prescribed by the commissioner; and
- (2) pays the required fees.

### **§ 1302.262. Notice to Municipalities**

- (a) A person who obtains a license under this subchapter shall provide a notice to the municipal authority that enforces air conditioning and refrigeration contracting regulations in the municipality in which the person engages in air conditioning and refrigeration contracting.
- (b) The notice must inform the municipality that the person has obtained a license under this subchapter and must be in the form required by the municipality.
- (c) A municipality may charge a fee to a person who provides the notice required by this section. The municipality shall set the fee in an amount reasonable and necessary to administer this section.

### **§ 1302.263. Limitation on License Holder**

A person licensed under this chapter may not perform or offer or attempt to perform an act, service, or function that is:

- (1) defined as the practice of engineering under Chapter 1001, unless the person holds a license under that chapter;
- (2) regulated under Chapter 113, Natural Resources Code, unless the person holds a license or is exempt by rule under that chapter; or
- (3) defined as plumbing under Chapter 1301, unless the person holds a license under that chapter.

## **SUBCHAPTER G. MUNICIPAL LICENSING AND REGULATION**

### **§ 1302.301. Municipal License**

An air conditioning and refrigeration contractor license issued by a municipality of this state and that complies with the requirements of this subchapter is valid under the terms of the license within the municipality.

### **§ 1302.302. Municipal License: Eligibility Requirements**

An applicant for a municipal license must:

- (1) pass an examination that covers the same subjects as the examination required under Subchapter F for a license of the class that entitles the holder of the license to perform the work the applicant proposes to perform; and
- (2) meet experience requirements that are at least as strict as the requirements under Section 1302.255(a)(2).

### **§ 1302.303. Municipal Air Conditioning and Refrigeration Standards**

- (a) A municipality may by ordinance adopt and enforce standards for air conditioning and refrigeration contractors that are consistent with the standards established under this chapter.
- (b) The municipality shall report a violation of the ordinance to the commissioner not later than the 10th day after the date the municipality acts to enforce the ordinance.

## **SUBCHAPTER H. SALE AND USE OF REFRIGERANTS**

### **§ 1302.351. Application of Subchapter**

This subchapter does not apply to:

- (1) a "small appliance" as defined by 40 C.F.R. Section 82.152, as amended; or
- (2) a person who is exempt from this chapter under Section 1302.055, 1302.057, or 1302.059.

### **§ 1302.352. Compliance With Federal Requirements**

- (a) A person who purchases, sells, or uses a refrigerant in this state shall comply with the requirements of the federal Clean Air Act (42 U.S.C. Section 7401 et seq.) and rules adopted under that Act.
- (b) Consistent with Subsection (a), the department shall regulate the sale and use of a refrigerant as provided by this subchapter.

### **§ 1302.353. Purchase of Refrigerant: License or Registration Required**

- (a) Except as provided by Subsection (b), a person may not purchase a refrigerant or equipment containing a refrigerant in this state unless the person holds:
  - (1) a license under Subchapter F or G; or
  - (2) a certificate of registration issued by the department under this subchapter.
- (b) A person authorized to purchase a refrigerant under other state or federal law may purchase a refrigerant if the person's use is exempt from this chapter under Section 1302.053, 1302.055, 1302.057, 1302.058, or 1302.059.

### **§ 1302.354. Registration**

- (a) A person who is exempt from this chapter under Section 1302.054 or 1302.056 must obtain a certificate of registration from the department to purchase a refrigerant.
- (b) The commissioner by rule shall adopt requirements governing the registration and issuance of a certificate of registration.

### **§ 1302.355. Purchase of Refrigerant: Evidence Requirement**

- (a) Except as provided by Subsection (b), a person who purchases a refrigerant must provide to the seller evidence of the person's compliance with the applicable license or registration requirement under this chapter.
- (b) A purchaser described by Section 1302.353(b) is not required to provide evidence of the person's exemption to a seller.
- (c) The commissioner by rule shall establish requirements for evidence that satisfies this section.

### **§ 1302.356. Sale or Use of Certain Refrigerants Prohibited**

A person may not:

- (1) sell a flammable refrigerant or refrigerant substitute that contains a liquid petroleum-based product for use in an automotive, aviation, commercial, or residential air conditioning or refrigeration system; or
- (2) use a flammable refrigerant or refrigerant substitute that contains a liquid petroleum-based product in the maintenance or installation of any system relating to aircraft.

## **SUBCHAPTER I. DISCIPLINARY ACTION AND PROCEDURES**

### **§ 1302.401. Disciplinary Action**

- (a) A person is subject to the denial of an application or disciplinary action under Section 51.353 if the person:
  - (1) violates this chapter or a rule adopted under this chapter; or
  - (2) is convicted of an offense under a municipal ordinance adopted under Section 1302.303.
- (b) A violation of this chapter includes:
  - (1) failing to provide proper installation, service, or mechanical integrity;
  - (2) intentionally or knowingly misrepresenting a necessary service, service to be provided, or service that has been provided; or
  - (3) making a fraudulent promise to induce a person to contract for services.

## **§ 1302.402. Administrative Procedures**

A proceeding for the denial of a license application or disciplinary action and an appeal from that proceeding are governed by Chapter 2001, Government Code.

### **SUBCHAPTER J. PENALTIES AND ENFORCEMENT PROVISIONS**

## **§ 1302.451. Emergency and Cease and Desist Orders**

- (a) The commissioner may issue an emergency order as necessary to enforce this chapter if the commissioner determines that an emergency exists requiring immediate action to protect the public health and safety.
- (b) The commissioner may issue the emergency order without notice and hearing or with any notice and hearing the commissioner considers practicable under the circumstances. The commissioner shall set the time and place for a hearing to affirm, modify, or set aside an emergency order that was issued without a hearing.
- (c) The commissioner may issue a cease and desist order.

## **§ 1302.452. Citations for Certain Violations**

- (a) A municipal or county official may issue a citation to an air conditioning and refrigeration contracting company that engages in air conditioning and refrigeration contracting without complying with Section 1302.252.
- (b) The department or a municipal air conditioning or refrigeration inspector within the jurisdiction of the municipality in which a violation occurs may issue a citation to a person who violates Section 1302.353(a) or 1302.355(a).

## **§ 1302.453. Criminal Penalty**

- (a) A person commits an offense if the person:
  - (1) knowingly engages in air conditioning and refrigeration contracting without holding a license issued under this chapter; or
  - (2) purchases a refrigerant or equipment containing a refrigerant in this state in violation of Section 1302.353, 1302.355, or 1302.356.
- (b) An offense under this section is a Class C misdemeanor.

**AIR CONDITIONING AND REFRIGERATION CONTRACTOR  
LICENSE LAW**

*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; amended effective March 27, 2002, 27 TexReg 2225)*

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 to which a licensee elects to assign his or her license.
- (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 for the purpose of this Act.
- (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) **Filed** – a document is deemed to have been filed with the department on the date that the document has been received by the department or, if the document has been mailed to the department, the postmark date of the document.
- (18) **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.
- (19) **Licensee**-an individual holding a license of the class and endorsement appropriate to the work performed under the Act and these rules.

- (20) **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.
- (21) **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.
- (22) **Proper installation**-installing air conditioning and refrigeration equipment in accordance with:
  - (A) applicable municipal ordinances and codes adopted by a municipality where the installation occurs;
  - (B) the current Uniform Mechanical Code or the current 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.
- (23) **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; amended effective March 27, 2002, 27 TexReg 2225)*

- (a) A passing grade is 70%.
- (b) The examinations will be administered to applicants in a format determined by the Department.
- (c) Subject to the following provisions, an applicant may request an accommodation in accordance with the Americans with Disabilities Act or language translation.
  - (1) The request must be in writing on a form approved by the Department.
  - (2) Proof of disability may be required.
  - (3) Language translation costs shall be paid by the applicant.
- (d) An applicant who does not show up for a scheduled examination will forfeit the examination fee.
- (e) Cheating on an examination is grounds for denial, suspension, or revocation of a license and/or an administrative penalty.

- (f) 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; amended effective March 27, 2002, 27 TexReg 2225)*

- (a) An air conditioning and refrigeration contracting company shall not use a license number that is not assigned to that company.
- (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) Altering a license in any way is prohibited and is grounds for a sanction and/or penalty.
- (l) 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.
- (m) 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.

**§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; amended effective March 27, 2002, 27 TexReg 2225)*

- (a) The request for the renewal must be filed by the expiration date.
- (b) A license that has expired or has been denied for a period of less than six months may be reissued upon meeting the conditions of a license renewal, as outlined in this section, and payment of the late renewal fee.
- (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 on a form provided by the Department or a request for a waiver of insurance, if applicable.
- (d) A renewal request that is filed within thirty days of the expiration date without all conditions for renewal being met will be denied.
- (e) A licensee shall not perform work requiring a license under the Act with an expired license or a license that has been denied renewal.

**§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; amended effective March 27, 2002, 27 TexReg 2225)*

- (a) 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;
  - (4) a person who performs air conditioning contracting on unducted fireplace stoves; and
  - (5) persons who perform air conditioning contracting on ducted or unducted environment air conditioning equipment of three tons or less on non-commercial boats.
- (b) Unlicensed general contractors may bid or contract for a job that includes air conditioning or refrigeration if the job does not consist solely of work requiring a license under the Act.

**§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; amended effective March 27, 2002, 27 TexReg 2225))*

- (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) A license applicant or licensee shall file with the Department a completed certificate of insurance or other evidence satisfactory to the Department when applying for an initial license, and upon request of the Department.
- (e) 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.
- (f) A licensee who has received a waiver of insurance shall not perform or offer to perform air conditioning and refrigeration contracting under his or her license with the general public unless exempted under §6(g) of the Act.
- (g) A licensee or an air conditioning and refrigeration contracting company shall furnish the name of the insurance carrier, policy number, name, address, and telephone number of the insurance agent with whom the licensee or company is insured to any customer who requests it.
- (h) Failure to maintain insurance or failure to provide a certificate of insurance when requested is grounds for administrative penalties and license sanctions.

**§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; amended effective March 27, 2002, 27 TexReg 2225))*

- (a) The licensee shall:
  - (1) if affiliated with a business, assign his or her license to one company or one permanent office of the company that will use the license;
  - (2) be a bona fide employee or owner of the air conditioning and refrigeration contracting company and must work full time at the company or permanent office of the company;
  - (3) use his license for one business affiliation and one permanent office at any one given time;
  - (4) furnish the Department with his or her permanent mailing address and the name, physical address, and telephone number of the company; and
  - (5) furnish to the Department copies of assumed name registrations from the Secretary of State and/or County Clerk's office.
- (b) An Air Conditioning and Refrigeration Contracting Company shall:
  - (1) notify the Department of all licensees who have assigned their licenses to the company, and shall notify the Department within ten business days when any licensee whose license is assigned to the company has left their employ; and
  - (2) furnish to the Department copies of assumed name registrations from the Secretary of State and/or County Clerk's office.
- (c) A person or an air conditioning and refrigeration contracting company that performs air conditioning and refrigeration contracting shall:

- (1) provide proper installation, service, and mechanical integrity;
  - (2) not knowingly and intentionally misrepresent the need for services, services to be provided, or services than have been provided; and
  - (3) not make a fraudulent promise or false statement to influence, persuade, or induce an individual or a company to contract for services.
- (d) 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.
- (e) The design of a system may not be subcontracted to an unlicensed person, firm or corporation.
- (f) A licensee who subcontracts work requiring a license under the Act is responsible to the customer for all work performed by the subcontractor.
- (g) 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.
- (h) 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.
- (i) 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.
- (j) 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.

- (k) 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.
  
- (l) 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.
  
- (m) 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.
  
- (n) 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.

- (o) A licensee shall:
  - (1) notify the Department, in writing, within ten days of any change in permanent mailing address, company location, company telephone number or change in assignment of license; and
  - (2) if the information is printed on the license:
    - (A) destroy the current original license;
    - (B) pay the appropriate revision fee required in Section 75.80 of this title (relating to Fees); and
    - (C) provide a revised insurance certificate to the Department within ten days of a change in the name or address of the company to which the license is assigned.
- (p) 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; amended effective March 27, 2002, 27 TexReg 2225; amended effective September 1, 2003, 28 TexReg 7366)*

- (a) Non-refundable application fee is \$50.
- (b) Examination fee is \$90 for each examination requested.
- (c) License fees are:
  - (1) initial license is \$125 and
  - (2) renewal fee is \$125.
- (d) Issuance of a revised or duplicate license or certificate is \$25.
- (e) The addition of an endorsement to an existing license is \$25. This fee may be waived if the reprint coincides with a renewal or revision, for which required fees are paid.
- (f) Certificate of Registration fee is \$25.
- (g) Late renewal fees for licenses and registrations issued under this chapter are provided under §60.83 of this title (relating to Late Renewal Fees).

**§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; amended effective March 27, 2002, 27 TexReg 2225)*

(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 Department has determined that, for the purpose of subsection 3(a) of the Act, the provisions of the International Mechanical Code and the Uniform Mechanical Code, taken in their entirety, are equally strict. The standard for the practice of air conditioning and refrigeration in an area where no code has been adopted shall be either the most current edition of the International Mechanical Code and the International Fuel Gas Code or the Uniform Mechanical Code, to be chosen by the contractor performing the work.