OCCUPATIONS CODE
TITLE 8. REGULATION OF ENVIRONMENTAL AND INDUSTRIAL TRADES
CHAPTER 1302. AIR CONDITIONING AND REFRIGERATION CONTRACTORS
(Effective September 1, 2017)

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SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1302.001. SHORT TITLE.

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

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 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. Notwithstanding any other provision of this chapter, the term does not include the performance of or an offer to perform the installation, repair, replacement, or modification of a thermostat or other temperature control interface by a person licensed or registered under Chapter 1702.

(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 commission under Chapter 755, Health and Safety Code.

(5-a) "Air conditioning and refrigeration technician" means a person who assists a licensed air conditioning and refrigeration contractor in performing air conditioning and refrigeration maintenance work.

(5-b) "Apprenticeship program" means an air conditioning and refrigeration training program that is:

(A) recognized by the Texas Workforce Commission or the Texas Higher Education Coordinating Board;

(B) registered with the United States Department of Labor; or

(C) a competency-based standardized craft training program that meets the standards of the United States Department of Labor Office of Apprenticeship.

(5-c) "Certification training program" means a program of education and training that:

(A) is accepted or approved by the department; and

(B) consists of at least 2,000 hours of a combination of:

(i) classroom instruction:

(a) at a secondary school;

(b) at an institution of higher education, as defined by Section 61.003, Education Code; or

(c) in an apprenticeship program accepted by the department; and

(ii) practical experience in air conditioning and refrigeration-related work under the supervision of a licensed air conditioning and refrigeration contractor.

(5-d) "Certified technician" means an air conditioning and refrigeration technician who is certified by the department.

(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) Repealed by Acts 2003, 78th Leg., ch. 816, Sec. 2.012(1) and Acts 2003, 78th Leg., ch. 1276, Sec. 14A.318(b).

(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.

(11-a) "Executive director" means the executive director of the department.

(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; and

(ii) the International Mechanical Code;

(B) all other applicable codes; and

(C) the manufacturer's specifications.

(13) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 415, Sec. 3(1), eff. June 14, 2013.

(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) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 415, Sec. 3(1), eff. June 14, 2013.

(17) "Registered technician" means an air conditioning and refrigeration technician who is registered with the department.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Amended by Acts 2003, 78th Leg., ch. 816, Sec. 2.001, 2.012(1), 26.028, eff. Sept. 1, 2003
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.318(b), (c), (d), eff. Sept. 1, 2003.
Amended by Acts 2007, 80th Leg., R.S., Ch. 1174 (H.B. 463), Sec. 1, eff. September 1, 2007.
Amended by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 5, eff. June 17, 2011.
Amended by Acts 2013, 83rd Leg., R.S., Ch. 415 (S.B. 383), Sec. 3(1), eff. June 14, 2013.
Amended by Acts 2013, 83rd Leg., R.S., Ch. 997 (H.B. 2294), Sec. 1, eff. September 1, 2013.
Amended by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 1, eff. September 1, 2017.

Sec. 1302.003. NONAPPLICABILITY OF LAW GOVERNING CANCELLATION OF CERTAIN TRANSACTIONS.

Except as otherwise provided by this section, Chapter 601, Business & Commerce Code, does not apply to a good or service provided by a license holder under this chapter if the transaction involving the good or service is initiated by the consumer. Chapter 601, Business & Commerce Code, does apply to a transaction that involves a breach of express warranty or a negligent installation in violation of a building code applicable to the good or service sold to the consumer.

Added by Acts 2009, 81st Leg., R.S., Ch. 937 (H.B. 3129), Sec. 2, eff. June 19, 2009.

SUBCHAPTER B. EXEMPTIONS

Sec. 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 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 an MVAC-like appliance as defined by 40 C.F.R. Section 82.152.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2013, 83rd Leg., R.S., Ch. 415 (S.B. 383), Sec. 1, eff. June 14, 2013.

Sec. 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 1302.061. MANUFACTURED HOMES.

This chapter does not apply to a person or entity licensed as a manufacturer, retailer, 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2013, 83rd Leg., R.S., Ch. 1079 (H.B. 3361), Sec. 3.17, eff. September 1, 2013.

Sec. 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 1302.064. TECHNOLOGY INTEGRATION.

This chapter does not apply to a person licensed under Chapter 1702 of this code or Chapter 6002, Insurance Code, who sells, designs, or offers to sell or design a product or technology, including a burglar alarm or fire alarm, that is integrated with an air conditioning or refrigeration system if the sale, design, or offer does not include the installation of any part of an air conditioning or refrigeration system by that person.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1084 (H.B. 3433), Sec. 15, eff. June 14, 2013.

SUBCHAPTER C. EXECUTIVE DIRECTOR AND DEPARTMENT POWERS AND DUTIES

Sec. 1302.101. GENERAL POWERS AND DUTIES.

(a) The commission shall adopt rules for the practice of air conditioning and refrigeration contracting that are at least as strict as the standards provided by:

(1) the Uniform Mechanical Code; and

(2) the International Mechanical Code.

(b) The executive director shall prescribe the design of an original and a renewal license.

(c) The commission shall maintain a record of the commission's proceedings under this chapter.

(d) The executive director may authorize disbursements necessary to implement this chapter, including disbursements for office expenses, equipment costs, and other necessary facilities.

(e) The department may examine any criminal conviction, guilty plea, or deferred adjudication of an applicant for issuance or renewal of a license, including by obtaining any criminal history record information permitted by law.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 816, Sec. 2.003, eff. Sept. 1, 2003.
Amended by Acts 2007, 80th Leg., R.S., Ch. 1174 (H.B. 463), Sec. 2, eff. September 1, 2007.

Sec. 1302.1011. RULES.

The commission shall adopt rules:

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

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

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

Added by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 6, eff. June 17, 2011.
Amended by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 2, eff. September 1, 2017.

Sec. 1302.102. INSURANCE REQUIREMENTS.

(a) The commission by rule shall set insurance requirements for a license holder under this chapter.

(b) The executive director may waive the insurance requirements for a license holder who does not engage in air conditioning and refrigeration contracting for the public.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 816, Sec. 26.029, eff. Sept. 1, 2003
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.321, eff. Sept. 1, 2003.
Amended by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 7, eff. June 17, 2011.

Sec. 1302.103. RULES REGARDING USE AND DISPLAY OF LICENSE.

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

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 816, Sec. 2.004, eff. Sept. 1, 2003.

Sec. 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 1302.105. PERSONNEL.

The department may employ personnel necessary to administer this chapter.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 8, eff. June 17, 2011.

SUBCHAPTER D. CONSUMER INTEREST INFORMATION AND COMPLAINTS

Sec. 1302.151. CONSUMER INTEREST INFORMATION.

(a) The executive director shall prepare information of consumer interest describing:

(1) the functions performed by the executive director 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 executive director.

(c) The executive director shall make the information available to the public.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 816, Sec. 26.030, eff. Sept. 1, 2003
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.323, eff. Sept. 1, 2003.

SUBCHAPTER E. AIR CONDITIONING AND REFRIGERATION CONTRACTORS ADVISORY BOARD

Sec. 1302.201. ADVISORY BOARD MEMBERSHIP.

The air conditioning and refrigeration contractors advisory board consists of nine members appointed by the presiding officer of the commission, with the commission's approval, and two ex officio nonvoting members. One member of the advisory board must be a public member.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 816, Sec. 2.005, eff. Sept. 1, 2003.
Amended by Acts 2009, 81st Leg., R.S., Ch. 457 (H.B. 2548), Sec. 3, eff. September 1, 2009.
Amended by Acts 2013, 83rd Leg., R.S., Ch. 926 (H.B. 1503), Sec. 1, eff. June 14, 2013.

Sec. 1302.202. APPOINTED MEMBERS.

(a) Except for the public member and the building contractor member, 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. Other than the public member, 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;

(3) five 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;

(D) one member who holds a Class B license and practices in a municipality with a population of not more than 25,000; and

(E) one member who holds a license of any classification under this chapter, is principally engaged in air conditioning and refrigeration contracting, and practices in a municipality; and

(4) one must be a building contractor who is principally engaged in home construction and is a member of a statewide building trade association.

(b) At least one advisory board member appointed under Subsection (a)(3) must be an air conditioning and refrigeration contractor who employs organized labor.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 9, eff. June 17, 2011.
Amended by Acts 2013, 83rd Leg., R.S., Ch. 926 (H.B. 1503), Sec. 2, eff. June 14, 2013.

Sec. 1302.203. EX OFFICIO MEMBERS.

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

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 816, Sec. 26.031, eff. Sept. 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.323, eff. Sept. 1, 2003.

Sec. 1302.204. ADVISORY BOARD DUTIES.

(a) The advisory board shall advise the commission in adopting rules and in administering and enforcing this chapter.

(b) The advisory board shall advise the commission in setting fees under this chapter.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 816, Sec. 2.006, eff. Sept. 1, 2003.

Sec. 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 presiding officer of the commission, with the commission's approval, shall fill the vacancy for the remainder of the unexpired term with a person who represents the same interests as the predecessor.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 816, Sec. 2.007, eff. Sept. 1, 2003.

Sec. 1302.206. PRESIDING OFFICER.

The presiding officer of the commission, with the commission's approval, shall designate one member of the advisory board to serve as presiding officer of the board for two years.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 816, Sec. 2.008, eff. Sept. 1, 2003.

Sec. 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

SUBCHAPTER F. AIR CONDITIONING AND REFRIGERATION CONTRACTORS

Sec. 1302.251. LICENSE REQUIRED.

(a) A person may not engage in air conditioning and refrigeration contracting unless the person holds an air conditioning and refrigeration contractor license under this subchapter or Subchapter G.

(b) An air conditioning and refrigeration contractor 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.

(c) A person holding an air conditioning and refrigeration contractor license may assign that license to only one permanent office of one air conditioning and refrigeration contracting company.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 11, eff. June 17, 2011.

Sec. 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 1302.253. LICENSE CLASSIFICATIONS.

(a) The executive director 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 816, Sec. 26.032, eff. Sept. 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.325, eff. Sept. 1, 2003.

Sec. 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 1302.255. ELIGIBILITY REQUIREMENTS.

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

(1) be at least 18 years old; and

(2) have:

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

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

(a-1) An applicant who has equivalent experience in another state or who held an equivalent license in another state may receive credit for the experience as determined by the executive director.

(b) Notwithstanding the requirements of Subsection (a)(2), an applicant may satisfy a portion of the practical experience requirement as provided by Subsection (c).

(c) An applicant who obtains a degree or diploma or completes a certification program from an institution of higher education that holds a certificate of authority issued by the Texas Higher Education Coordinating Board, or an equivalent governing body in another state as approved by the executive director, may satisfy a portion of the practical experience requirement as follows:

(1) completing a four-year degree or diploma in air conditioning engineering or technology, refrigeration engineering or technology, or mechanical engineering is equivalent to 24 months of practical experience;

(2) completing a two-year associate's degree, a two-year diploma, or a two-year certification program primarily focused on air conditioning and refrigeration-related work is equivalent to 12 months of practical experience;

(3) completing a one-year certification program, or a program of at least two semesters, in air conditioning and refrigeration-related work is equivalent to six months of practical experience; and

(4) completing a program resulting in another applicable degree, diploma, or certification shall be equivalent to the amount of practical experience determined by the department under commission rule.

(d) Every 2,000 hours of on-the-job training in an apprenticeship program is equivalent to 12 months of practical experience under Subsection (a)(2).

(e) Notwithstanding the requirements of Subsection (a)(2), each of the following qualifies as practical experience for purposes of satisfying the 48-month requirement:

(1) verified military service in which the person was trained in or performed air conditioning and refrigeration-related work as part of the person's military occupational specialty; and

(2) experience performing air conditioning and refrigeration-related work as described by Section 1302.055, 1302.056, or 1302.057 or while employed by a governmental entity.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 12, eff. June 17, 2011.
Amended by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 3, eff. September 1, 2017.

Sec. 1302.256. APPLICATION; FEE.

(a) An applicant for an air conditioning and refrigeration contractor license must submit a verified application on a form prescribed by the executive director.

(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 executive director of the applicant's practical experience required by Section 1302.255; and

(2) the required fees.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 816, Sec. 26.033, eff. Sept. 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.326, eff. Sept. 1, 2003.
Amended by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 13, eff. June 17, 2011.

Sec. 1302.257. EXAMINATIONS.

(a) The executive director 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 executive director shall prescribe the method and content of an examination administered under this subchapter and shall set compliance requirements for the examination. To obtain an endorsement, an applicant must pass the examination for the endorsement.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1017, Sec. 23(4), eff. June 17, 2011.

(d) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1017, Sec. 23(4), eff. June 17, 2011.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 816, Sec. 26.034, eff. Sept. 1, 2003
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.327, eff. Sept. 1, 2003.
Amended by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 14, eff. June 17, 2011.
Amended by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 23(4), eff. June 17, 2011.

Sec. 1302.260. ISSUANCE AND TERM OF LICENSE.

(a) The department shall issue an air conditioning and refrigeration contractor license to an applicant who:

(1) submits a verified application;

(2) passes the applicable examination;

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

(4) pays the required fees; and

(5) provides evidence of insurance coverage required by rule in accordance with this chapter.

(b) A license issued under this chapter expires on the first anniversary of the date of issuance.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 816, Sec. 26.035, eff. Sept. 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.330, eff. Sept. 1, 2003.
Amended by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 15, eff. June 17, 2011.

Sec. 1302.261. TEMPORARY LICENSE.

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

(1) submits to the executive director an application on a form prescribed by the executive director; and

(2) pays the required fees.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 816, Sec. 2.009, eff. Sept. 1, 2003.

Sec. 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, if the municipality requires the notice.

(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) Repealed by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 16, eff. September 1, 2017.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 4, eff. September 1, 2017.
Amended by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 16, eff. September 1, 2017.

Sec. 1302.263. LIMITATION ON LICENSE HOLDER.

A person licensed as a contractor under this chapter may not:

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

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

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

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

(2) use the services of a person to assist in the performance of air conditioning and refrigeration maintenance work unless the person is a:

(A) registered or certified technician;

(B) licensed air conditioning and refrigeration contractor; or

(C) student described by Section 1302.502 who performs the work in that capacity.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2007, 80th Leg., R.S., Ch. 1174 (H.B. 463), Sec. 3, eff. September 1, 2007.
Amended by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 16, eff. June 17, 2011.
Amended by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 5, eff. September 1, 2017.

SUBCHAPTER G. MUNICIPAL LICENSING AND REGULATION

Sec. 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 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).

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Sec. 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 executive director not later than the 10th day after the date the municipality acts to enforce the ordinance.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 816, Sec. 26.036, eff. Sept. 1, 2003
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.332, eff. Sept. 1, 2003.

SUBCHAPTER I. DISCIPLINARY ACTION AND PROCEDURES

Sec. 1302.401. DISCIPLINARY ACTION.

(a) A person is subject to the denial of an application, imposition of an administrative penalty under Subchapter F, Chapter 51, or disciplinary action under Section 51.353 if the person:

(1) violates this chapter or a rule adopted under this chapter; or

(2) violates 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.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2007, 80th Leg., R.S., Ch. 1174 (H.B. 463), Sec. 4, eff. September 1, 2007.

Sec. 1302.402. ADMINISTRATIVE PROCEDURES.

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

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2007, 80th Leg., R.S., Ch. 1174 (H.B. 463), Sec. 5, eff. September 1, 2007.
Amended by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 6, eff. September 1, 2017.

SUBCHAPTER J. PENALTIES AND ENFORCEMENT PROVISIONS

Sec. 1302.451. EMERGENCY AND CEASE AND DESIST ORDERS.

(a) The executive director may issue an emergency order as necessary to enforce this chapter if the executive director determines that an emergency exists requiring immediate action to protect the public health and safety.

(b) The executive director may issue the emergency order without notice and hearing or with any notice and hearing the executive director considers practicable under the circumstances. The executive director 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 executive director may issue a cease and desist order.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 816, Sec. 26.037, eff. Sept. 1, 2003
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.335, eff. Sept. 1, 2003.

Sec. 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) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 415, Sec. 3(3), eff. June 14, 2013.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.
Amended by Acts 2013, 83rd Leg., R.S., Ch. 415 (S.B. 383), Sec. 3(3), eff. June 14, 2013.

Sec. 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) is not a student described by Section 1302.502 and knowingly engages in air conditioning and refrigeration maintenance work without holding a contractor license or a technician registration or certification issued under this chapter.

(b) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 415, Sec. 3(4), eff. June 14, 2013.

(c) An offense under this section is a Class C misdemeanor.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 3, eff. June 1, 2003.

Amended by Acts 2005, 79th Leg., Ch. 365 (S.B. 1290), Sec. 1, eff. June 17, 2005.
Amended by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 17, eff. June 17, 2011.
Amended by Acts 2013, 83rd Leg., R.S., Ch. 415 (S.B. 383), Sec. 2, eff. June 14, 2013.
Amended by Acts 2013, 83rd Leg., R.S., Ch. 415 (S.B. 383), Sec. 3(4), eff. June 14, 2013.
Amended by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 7, eff. September 1, 2017.

SUBCHAPTER K. AIR CONDITIONING AND REFRIGERATION TECHNICIANS

Sec. 1302.501. REGISTRATION OR CERTIFICATION REQUIRED.

(a) Except as otherwise provided by this subchapter, a person may not act or offer to act as an air conditioning and refrigeration technician unless the person is registered or certified under this subchapter.

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

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

(1) the total replacement of a system; or

(2) the installation or repair of a boiler or pressure vessel that must be installed in accordance with rules adopted under Chapter 755, Health and Safety Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 1174 (H.B. 463), Sec. 6, eff. June 30, 2008.
Amended by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 18, eff. June 17, 2011.
Amended by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 8, eff. September 1, 2017.

Sec. 1302.502. EXEMPTION FOR CERTAIN STUDENTS.

A person is not required to be registered or certified under this subchapter to act or offer to act as an air conditioning and refrigeration technician if the person:

(1) is a student in a certification training program; and

(2) is:

(A) younger than 18 years of age; or

(B) enrolled at a secondary school.

Added by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 9, eff. September 1, 2017.

Sec. 1302.503. SUPERVISION REQUIREMENTS FOR TECHNICIANS.

An air conditioning and refrigeration technician must be supervised by an air conditioning and refrigeration contractor licensed under this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 1174 (H.B. 463), Sec. 6, eff. June 30, 2008.
Amended by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 10, eff. September 1, 2017.

Sec. 1302.5035. REGISTRATION ELIGIBILITY REQUIREMENTS.

(a) An applicant for a technician registration under this subchapter must be at least 18 years old.

(b) An applicant for a technician registration is not required to have practical experience or to take an examination to obtain the registration.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 19, eff. June 17, 2011.

Amended by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 11, eff. September 1, 2017.

Sec. 1302.5036. CERTIFICATION ELIGIBILITY REQUIREMENTS.

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

(1) be at least 18 years old;

(2) have completed:

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

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

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

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

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

Added by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 12, eff. September 1, 2017.

Sec. 1302.504. APPLICATION; FEE.

(a) An applicant for an air conditioning and refrigeration technician registration or certification must submit a verified application on a form prescribed by the executive director.

(b) The completed application must be accompanied by the required fees.

Added by Acts 2007, 80th Leg., R.S., Ch. 1174 (H.B. 463), Sec. 6, eff. September 1, 2007.
Amended by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 20, eff. June 17, 2011.
Amended by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 13, eff. September 1, 2017.

Sec. 1302.505. ISSUANCE AND TERM OF REGISTRATION.

(a) The department shall issue an air conditioning and refrigeration technician registration to an applicant who:

(1) submits a verified application;

(2) meets the requirements of this chapter and rules adopted under this chapter; and

(3) pays the required fees.

(b) A registration issued under this subchapter is valid for one year from the date of issuance.

Added by Acts 2007, 80th Leg., R.S., Ch. 1174 (H.B. 463), Sec. 6, eff. September 1, 2007.
Amended by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 21, eff. June 17, 2011.

Sec. 1302.5055. ISSUANCE AND TERM OF CERTIFICATION.

(a) The department shall issue an air conditioning and refrigeration technician certification to an applicant who:

(1) submits a verified application;

(2) passes a competency examination;

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

(4) pays the required fees.

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

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

Added by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 14, eff. September 1, 2017.

Sec. 1302.506. TEMPORARY REGISTRATION.

(a) An applicant for registration may request a temporary registration. The executive director shall issue a temporary registration that expires on the 21st day after the date of issuance to an applicant who meets the qualifications for temporary registration.

(b) The commission shall adopt rules providing for the issuance of a temporary registration under this section, including the qualifications and fee required for the registration.

Added by Acts 2007, 80th Leg., R.S., Ch. 1174 (H.B. 463), Sec. 6, eff. September 1, 2007.

Sec. 1302.509. LIMITATIONS ON TECHNICIAN.

A person registered or certified under this subchapter may not:

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

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

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

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

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

Added by Acts 2011, 82nd Leg., R.S., Ch. 1017 (H.B. 2643), Sec. 22, eff. June 17, 2011.
Amended by Acts 2017, 85th Leg., R.S., Ch. 880 (H.B. 3029), Sec. 15, eff. September 1, 2017.