

# ON THE LEVEL

TDLR BUILDING TRADES NEWSLETTER

*The Building Trades Newsletter from the  
Texas Dept. of Licensing and Regulation*

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**Vol. 1 | AUGUST 2019**

**Welcome from the Executive Director**

Welcome to the inaugural edition of *On the Level*, the TDLR newsletter for Texas building trades. I'm Brian Francis, Executive Director of the Texas Department of Licensing and Regulation.

The purpose of our newsletter is to reach out to you, our licensees in the building trades, so that we can share important information unique to your profession and let you know how important you are to our agency and our mission: *to earn the trust of Texans every day by providing innovative regulatory solutions for our licensees and those they serve.*

Serving you with consistency, transparency, and efficiency is our goal each and every day at TDLR. Some of you have been TDLR licensees for as long as I've been with the agency (since 1999), or even longer, and you've seen us grow from a small agency with a handful of programs to become the state's main occupational licensing agency, now with 39 programs. Along the way, our building trades programs have been at the core of the important work we do to protect public health and safety.

As your industries and trades have grown with the success of Texas—the best place in America to start and own your own business—so too have our responsibilities grown as a state agency charged with licensing and regulating these vital professions. I'm proud of the work we have done over the years to automate the services we provide, lower your licensing and renewal fees, and streamline regulations whenever and wherever possible. There's a lot more work to do together on all these fronts, and I want you to know that no matter how much we take on as an agency, our primary goal will always be to serve you, our customer, and help you on your path to success.

We hope you will find the information here useful and informative. We will keep trying to find new ways to help you stay informed about important changes, trends, new laws and rules, outreach efforts, and anything else that may impact your livelihood and profession here in Texas.

Please feel free to reach out to me or my staff any time at [OnTheLevel@tdlr.texas.gov](mailto:OnTheLevel@tdlr.texas.gov) if you have ideas or suggestions for how we can improve the services we provide to you and to the people of Texas.

Yours in Service,

Brian E. Francis



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## 86th Session: Legislative Round-Up

The 86th Texas Legislature, Regular Session convened on Jan. 8, 2019 and adjourned May 27, 2019. Below is a list of the bills passed by the Legislature related to TDLR and our building trades programs. Bills signed by the governor are noted with their effective date.

Clicking on the bill numbers below will open a Texas Legislature Online page detailing the history of actions taken, the text of the bill and other pertinent information. Under the Text tab, click on the

Enrolled bill to see the final version as enacted. To see the complete list of bills related to all TDLR programs and agency responsibilities, [visit our 86th Texas Legislature webpage](#).

### **Air Conditioning & Refrigeration**

[HB 2439](#) - Relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings. *Signed by Governor 6/14/19, effective 9/1/19*

### **Boilers**

[HB 2228](#) - Relating to the inspection of certain boiler. *Signed by Governor 5/24/19, effective 9/1/19*

[HB 2847](#) - See Article 6 relating to email confidentiality. *Signed by Governor 6/14/19, effective 9/1/19*

### **Code Enforcement Officers**

[HB 2584](#) - Relating to the authority of a code enforcement officer performing official duties to possess or carry an instrument used for deterring an animal bite. *Signed by Governor 6/14/19, effective 9/1/19*

### **Electricians**

[HB 2439](#) - Relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings. *Signed by Governor 6/14/19, effective 9/1/19*

### **Elevators**

[HB 2847](#) - See Article 5 relating to email confidentiality. *Signed by Governor 6/14/19, effective 9/1/19*

### **Elimination of Architectural Barriers**

[HB 3163](#) - Relating to parking for persons with disabilities. *Signed by Governor 6/14/19, effective 9/1/19*

### **Industrialized Housing and Buildings**

[HB 1385](#) - Relating to the regulation of industrialized housing and buildings. *Signed by Governor 5/24/19, effective 9/1/19*

[HB 2546](#) - Relating to the energy efficiency performance standards for construction of industrialized housing or buildings. *Signed by Governor 6/14/19, effective 9/1/19*

### **TDLR-General**

[HB 2784](#) - Relating to the creation of the Texas Industrial Workforce Apprenticeship Grant Program.

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## How TDLR Implements Legislative Mandates

Once a bill becomes law, TDLR may need to adopt new rules, or amend existing rules, to implement the bill. Some bills include specific direction to TDLR on what rules we must adopt, and our deadline to adopt them. The process of rulemaking involves an opportunity for public comment, and it can take months to finalize rule changes.

You will have several opportunities to provide TDLR with input on any new rules, including contacting TDLR staff; providing public comments at advisory board and Commission meetings; and submitting written comments in favor of or against a particular rule change when proposed rules are published for public comment (usually for a 30-day comment period). To keep abreast of proposed rule changes, [sign up for our email updates](#) and select "important notices" for the programs that interest you.

We want to hear from you – please help us make sure our new rules are clear, consistent and appropriate for your industry.

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### Quiz Yourself! (Answers are at the bottom of this newsletter. No cheating!)



1. A commercial kitchen installed in a trailer is covered by the National Electrical Code (NEC). True or False?
2. Except for freight elevators, the unlocking zone for elevators shall extend from the landing floor level to a point not less than \_\_\_\_\_ nor more than \_\_\_\_\_.
3. What does TAS mean?
4. Is experience in Animal Control acceptable for registration as a Code Enforcement Officer?
5. Are Mold Assessors exempt from licensure requirements in the areas covered by the Governor's Disaster Declaration?
6. Is an Air Conditioning Contractor's License required to offer to install a 3-ton "Mini-Split" Ductless AC System?
7. Heating boilers used to heat buildings that are exclusively for residential use and that have accommodations for not more than \_\_\_\_\_ families are exempt by Texas Law.

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### Coming Soon: 2020 National Electrical Code

The [Texas Electrical Safety and Licensing Act](#) requires TDLR to adopt the revised National Electrical Code (NEC) as the electrical code for the state of Texas. In 2020, TDLR will adopt the 2020 NEC as the electrical code for the state of Texas and establish it as the "minimum standard" for all electrical work in Texas covered by the act. **The proposed effective date will be September 1, 2020.**

Chapter 1305.201 of the Act gives municipalities the authority to make local amendments to the 202 NEC. However, any proposal to amend these standards should be done in accordance with NEC 90.4, which stipulates *"the authority having jurisdiction may waive specific requirements in this Code or permit alternative methods*



*where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety."*

Also beginning September 1, 2020, **all examinations for state electrical licenses will be based on the 2020 NEC**. The state electrical exams are available through [PSI](#), who contracts with TDLR to develop, maintain, and administer the state electrician licensing examinations. It is very important for license candidates to review the [Candidate Information Bulletin \(CIB\)](#), which contains detailed information regarding the examinations and is vital to understanding the process.

If you have questions about the NEC, contact TDLR's Chief Electrical Inspector Jerry Daniel at [jerry.daniel@tdlr.texas.gov](mailto:jerry.daniel@tdlr.texas.gov) or Deputy Chief Electrical Inspector Larry Reichle at [larry.reichle@tdlr.texas.gov](mailto:larry.reichle@tdlr.texas.gov)

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## Which Boilers Does TDLR Regulate?



The TDLR Boiler Program currently regulates approximately 53,500 boilers statewide. When many people think about a boiler, they think it is creating steam for use in the industrial field or at dry cleaners.

However, the majority of the boilers regulated by TDLR are being used to heat water used for domestic applications (such as school gym bathrooms and showers, school kitchens, apartment complexes, hotels, local businesses and even swimming pools and spas. Boilers can also be used to heat those same buildings. All residential homes have a boiler, commonly known as a hot water heater, but they are exempt from regulation by TDLR. In short, any appliance that heats water **in a business** may be a boiler and subject to regulation by TDLR.

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## How to Pass Your Elevator/Escalator Acceptance Inspection

For all new equipment installations, building owners, architects, and general contractors need to ask their code-related elevator/escalator questions before the job starts. Asking questions after the installation is complete will not only result in equipment down time, but could result in costly expenditures for required equipment modifications. Please contact TDLR with any concerns or questions **before** you start work to ensure that you easily and painlessly pass your acceptance inspection. Call us at 1-800-803-9202



*"Don't risk your equipment failing its Acceptance Inspection because of non-compliance. Get the answers before the job starts."*

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## We Need You ... To Serve on an Advisory Board

The Texas Department of Licensing and Regulation oversees 39 licensing programs. Of those, 31 programs have an advisory board or committee responsible for providing important technical knowledge and industry expertise and giving the Commission and TDLR staff real-world insight. The board members may include licensees, representatives from regulated businesses and industries, public members and other professionals.

TDLR currently has the following Advisory Board vacancies:

- Air Conditioning and Refrigeration Contractors Advisory Board (2) vacancies;
- Electrical Safety and Licensing Advisory Board (2) vacancies;
- Registered Sanitarian Advisory Committee (2) vacancies;



Advisory board members are appointed by the chairman of the Texas Commission on Licensing and Regulation. There is no financial compensation for appointees, however those selected to serve enjoy great satisfaction in knowing the significance of their participation and their impact on the professions they serve.

Advisory Board meetings are held approximately 1-2 times a year, depending on statutory requirements and the discretion of the Executive Director and the Commission Chair. The meetings are held in our North Campus Office located at 1106 Clayton Lane, Suite 125E, Austin, TX. It's important to note that if selected to serve on one of our boards, an applicant must attend meetings when scheduled, without a quorum we cannot conduct business, i.e., rule review, penalty matrix, criminal conviction guidelines, etc.

Find full vacancy descriptions [here](#). please go to the following link.

If you're interested in becoming a member of an advisory board or committee, please complete [an on-line application](#). If you have any questions about the board application process, please [contact the Office of Strategic Communication](#).

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## How Does Texas Help Improve Accessibility?

Texas has been working to improve accessibility for 50 years.

The Texas Architectural Barriers Act (TABAA) actually precedes the federal Americans With Disabilities Act (ADA) and was passed in 1969 as Article 678g, Vernon's Civil Statutes. Throughout the years, the law has been amended to enhance accessibility in Texas. Since June 1994, TABAA has required newly built or substantially renovated

construction projects to be accessible for persons with disabilities. To implement this groundbreaking state law, TDLR developed the Texas Accessibility Standards (TAS) for use when construction occurs. Although the TAS is based upon the ADA Standards for Accessible Design, TDLR does not administer or enforce the federally-regulated ADA. nbsp;



All publicly funded, commercial and public accommodation construction projects subject to the Act must comply with the TAS. However, projects of \$50,000 or more have the additional requirement of registration, review, and inspection by a TDLR Registered Accessibility Specialist (RAS). A

construction project may be anything from replacement of door hardware in an office to the complete construction of a new building.

Any questions may be directed to the TDLR Elimination of Architectural Barriers Program at: 512-539-5669 or [techinfo@tdlr.texas.gov](mailto:techinfo@tdlr.texas.gov)

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## Meet Our ACR Chief



The Air Conditioning and Refrigeration Program has a new Program and Compliance Chief. **Bill Weatherly** was the general manager of Wattinger Service Company, a Commercial AC & Plumbing Company – Union Labor (Local 286) in Austin from 1997 to 2018. He's also a former member of the Air Conditioning & Refrigeration Advisory Board.

Before that, he was Senior Sales Executive for The Trane Company, Inc, Building Services Manager for Johnson Controls/Austin TX (1986-1994), and Senior Sales Engineer for Johnson Controls/Dallas TX (1979-1986). Bill served in the United States Navy as Petty Officer 2nd Class from 1970-1975 (USS Tripoli LPH-10 / USS California CGN-36).

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## Employment with TDLR

TDLR is looking to hire a **Senior Program Specialist for the Industrialized Housing and Buildings Program**. The successful candidate will perform advanced consultative and technical work in the planning, development, and implementation of the IHB Program. Starting salary range is \$61,056 to \$65,280 annually, depending on knowledge and experience. Please [see our website](#) for details.

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## TABS Eliminates Need for Paper Files

On Dec. 3, 2018, the TDLR Elimination of Architectural Barriers program implemented a new project registration system called the Texas Architectural Barriers online System (TABS). This is the first phase of a process designed to speed project updates, allow Registered Accessibility Specialists (RAS) to complete their own status updates, and save money and time by eliminating the storage and transfer of paper files. The second phase will be complete in Summer 2019, eliminating all paper files created before the new system.

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## Mold Exams – Updated, With New References!



TDLR has revised and updated the three (3) Mold licensing examinations that were originally transferred from the Department of State Health Services (DSHS) in 2017. These exams are required for licensure as a Mold Assessment Technician, Mold Assessment Consultant, and Mold Remediation Contractor. You will find a more detailed description of each exam, along with an extensive new reference list, in the Candidate Information Bulletin at: <https://www.tdlr.texas.gov/mld/mldexam.htm#CIB>.

## Becoming an ACR Certified Technician

ACR Registered Technicians with at least two years of experience can now advance to become state Certified Technicians. An examination is required before the certification is issued. The required experience must have been gained *either* under supervision of a Texas-licensed air conditioning and refrigeration contractor *or* as a part of U.S. military service. For information on the required examination, please see:

<https://www.tdlr.texas.gov/acr/acrexam.htm>.



## License Revocations - for the period January 1 – May 31, 2019



The licenses below were listed as “Revoked” by TDLR as of the production date of this newsletter. After that date, you can verify the license status online at: <https://www.tdlr.texas.gov/verify.htm>. Please file a complaint with TDLR alleging unlicensed practice if you have evidence that a person or business with a revoked license is continuing to advertise or perform services that require a license in Texas.

License Type	License Number	Name	Location
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ELC-Electrical Apprentice	241984	AGUILERA, MARCOS A	AUSTIN, TX
ELC-Journeyman Electrician	29912	ARMSTRONG, BILLY W SR	MAGNOLIA, TX
ELC-Electrical Sign Apprentice	391798	BAZAN, ALEX	CORPUS CHRISTI, TX
ELC-Journeyman Electrician	63025	BROWN, KEITH	HOUSTON, TX
ELC-Electrical Apprentice	390676	CLARK, CHRISTOPHER G	SILSBEE, TX
ELC-Electrical Apprentice	342928	CRUZ, FERNANDO	DALLAS, TX
ELC-Electrical Apprentice	364081	GARCIA, VICTOR M	MISSION, TX
ELC-Electrical Apprentice	51027	GARVIN, DERICK W	MESQUITE, TX
ELC-Journeyman Electrician	108602	GARZA, LEROY S	AUSTIN, TX
ELC-Electrical Apprentice	174506	GUARDADO, RAUL	KINGWOOD, TX
ACR-Certified AC Technician	18555	HERNANDEZ, LOUIS A	SAN ANTONIO, TX
ACR-Certified AC Technician	18433	HILL, DUSTY S	WAXAHACHIE, TX
ELC-Electrical Apprentice	440308	IRBY, ARON	MALAKOFF, TX
ELC-Journeyman Electrician	216827	JONES, TERRANCE D	TYLER, TX
ELC-Journeyman Electrician	325090	LAWSON, JEREMY WILLIAM	HOUSTON, TX
ELC-Electrical Apprentice	159765	MENDEZ, ALBERT JOHN	HOUSTON, TX
ELC-Electrical Apprentice	428197	PEREZ, ISAAC HUGO	SAN ANTONIO, TX

ELC-Electrical Apprentice	294665	PRICE, TROY M	SAN ANTONIO, TX
ELC-Electrical Apprentice	331050	VIEYRA, EDGAR	HOUSTON, TX
MLD-Mold Remediation Worker	13445	ESPINOZA, ARACELY	SAN ANTONIO, TX
MLD-Mold Remediation Worker	MRW12323	HARTMAN, STEPHEN	FORT WORTH, TX
MLD-Mold Assessment Consultant	MAC1195	SCHUKEI, NATHAN L	RED OAK, TX

## How to file a complaint



You can file a complaint online for most TDLR programs at the following link: <https://www.tdlr.texas.gov/complaints/>

You will be asked to choose whether you are filing a complaint against a **licensed** or an **unlicensed** person or business. If you are unsure about whether the person or business holds a TDLR license, use the unlicensed link.

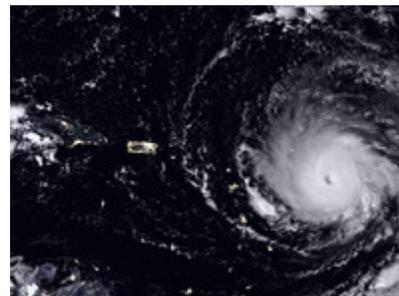
If your complaint does not allege a violation of the law or rules or does not include enough information for TDLR to investigate the allegations, TDLR will not open a complaint. If you want to receive information about the status or progress of your complaint, you must provide your name and contact information when you submit the complaint.

Read more about TDLR's [complaint investigation and resolution process](#).

## Governor's Disaster Proclamation Still in Effect

The disaster proclamation for Hurricane Harvey is still in effect; Governor Abbott has been renewing it on a monthly basis. You can find the Governor's renewal proclamations at: <https://gov.texas.gov/news/category/proclamation>.

TDLR has implemented numerous program adjustments, including exemptions, waivers, and expedited application processing, to assist communities in recovering from this disaster. For details, please see: <https://www.tdlr.texas.gov/harveyresponse.htm>.



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## Product Recalls: Be On The Lookout



These light fixtures are pretty, but they could cause injuries by suddenly detaching from the electrical cord. They need to be repaired ASAP. [Recall information.](#)

These smoke alarms can have a misaligned internal switch causing the alarms to not activate properly, posing a risk of failure to alert consumers to a fire. [Recall information.](#)



WARNING! If you have one of these boilers, you could be in danger! [Recall information.](#) TDLR recommends all boiler owners, installers, operators, and inspectors and anyone interested in the boiler program read the full text of this recall notice. Recall information: <https://go.usa.gov/xPGRZ>

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## Quiz Answers

1. True

### 90.2 Scope.

**(A) Covered.** This *Code* covers the installation and removal of electrical conductors, equipment, and raceways; signaling and communications conductors, equipment, and raceways; and optical fiber cables and raceways for the following: (3) Installations of conductors and equipment that connect to the supply of electricity

2. 75 mm (3 inches); 175 mm (7 inches). This is a new change within the ASME A17.1-2016 (more specifically, Section 1.3)



3. Texas Accessibility Standards – the minimum requirements for accessibility on construction projects in the state of Texas.
  4. No. It does not meet the requirements in the law. Animal control officer training is a separate profession from code enforcement, [which is regulated by DSHS](#).
  5. No. Only Mold Remediators are exempt.
  6. Yes. This is often misunderstood. There is an exemption in the Air Conditioning statutes (Sec. 1302.058) for "portable" or "self-contained" ductless AC units with capacity of three tons or less, i.e., "window units"; however, "mini-splits" are neither "portable" nor "self-contained."
  7. Four (4)
- 

Questions? Post them on [TDLR's Facebook page](#), [tweet us](#) or email [onthellevel@tdlr.texas.gov](mailto:onthellevel@tdlr.texas.gov).



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**GOVDELIVERY** 