

CHAPTER 117

H.B. No. 5

AN ACT

relating to the regulation of air conditioning and refrigeration contractors.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 2(7), Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

(7) "~~Air [Environmental air]~~ conditioning *and refrigeration maintenance work*" means repair work and all other work required for the continued normal performance of an environmental air conditioning system, *commercial refrigeration system or equipment, or process cooling or heating system.* The term does not include the installation of a total replacement of the system or the installation of boilers or pressure vessels that must be installed by licensed persons pursuant to rules and regulations adopted by the commissioner under Chapter 755, Health and Safety Code.

SECTION 2. Section 3, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended by adding Subsection (l) to read as follows:

(l) *The department may contract with another state agency or a political subdivision of the state for the enforcement of this Act and the rules adopted by the commissioner under this Act.*

SECTION 3. The Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes) is amended by adding Section 3B to read as follows:

Sec. 3B. LICENSE REQUIRED. Unless the person is exempted under Section 6 of this Act, a person may not perform air conditioning and refrigeration contracting without a license under this Act.

SECTION 4. Sections 6(a), (f), and (g), Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) This Act does not apply to a person who:

(1) performs air conditioning and refrigeration contracting in a building owned solely by him as his home;

(2) performs ~~[environmental]~~ air conditioning *or refrigeration maintenance work* if (i) the person is a maintenance man or maintenance engineer who is a regular bona fide employee of the property owner, the property lessee, or the management company managing the property where the maintenance work is being performed, (ii) the work is performed in connection with the business in which the person is employed, and (iii) the person and the person's employer referred to in (i) above do not engage in the occupation of air conditioning and refrigeration contracting for the general public;

(3) performs air conditioning and refrigeration contracting and is regularly employed by a regulated electric or gas utility;

(4) is licensed as a professional engineer under The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes), performs work in connection with the business in which the person is employed, and does not engage in the practice of air conditioning and refrigeration contracting for the general public;

(5) performs process cooling or heating work for an industrial operation such as a chemical plant, petrochemical plant, refinery, natural gas plant, or natural gas treating plant when employed by that operation; ~~[or]~~

(6) performs air conditioning and refrigeration contracting on:

(A) a portable or self-contained ductless ~~[environmental]~~ air conditioning *or refrigeration* product that has a cooling capacity of three tons or less;

(B) a portable or self-contained heating product that does not require the forced movement of air outside the heating unit; or

(C) environmental air conditioning equipment that is intended for temporary use and is not fixed in place; or

(?) performs air conditioning services only on a motor vehicle air conditioning unit or who employs a person who performs air conditioning services only on a motor vehicle air conditioning unit.

(f) This article does not apply to a person or firm that is registered as a manufacturer, retailer, or installer and regulated pursuant to the Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes) and that engages exclusively in air conditioning and refrigeration contracting for manufactured homes *in the installation of manufactured homes or in providing retailer or manufacturer warranty services free of charge.*

(g) A person who assists in the performance of air conditioning and refrigeration contracting work under the supervision of a licensee is not required to be licensed [~~by a municipality~~].

SECTION 5. This Act takes effect September 1, 1993.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on March 23, 1993, by a non-record vote; passed by the Senate on April 30, 1993: Yeas 28, Nays 0.

Approved May 11, 1993.

Effective Sept. 1, 1993.