By: Kevin Bailey H.B. No. 3190

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of journeyman and apprentice sheet metal workers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 1302, Occupations Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. SHEET METAL WORKERS LICENSING REQUIREMENT

Sec. 1302.501. DEFINITIONS. In this subchapter:

(1) "Sheet metal work" means the forming, assembling, sealing, internal insulating, sorting, sectioning, installing, testing, air-balancing, and servicing of all ductwork, regardless of the materials used, and the connection to related appurtenances, associated with the installation of an environmentally sound, energy-efficient commercial heating, ventilation, and air-conditioning system that protects the health and safety of the system users.

(2) "Commercial heating, ventilation, and air-conditioning system" means all heating, ventilating, and air-conditioning projects excluding those in:

(A) a residential single-family dwelling; and

(B) a townhome three stories or less.

Sec. 1302.502. LICENSE REQUIRED. A person may not perform sheet metal work in this state unless the person holds an appropriate license issued or recognized under this subchapter.

Sec. 1302.503. FEES. The commission shall establish and collect reasonable and necessary fees in amounts sufficient to cover the costs of administering this subchapter.

Sec. 1302.504. APPLICATION REQUIREMENTS. (a) An applicant for a license under this subchapter shall:

(1) submit to the department a completed application on a form prescribed by the executive director;

(2) submit to the department any other information required by executive director rule;

(3) demonstrate to the satisfaction of the executive director the appropriate amount of sheet metal work experience required under this subchapter; and

(4) pay the applicable license application fees and examination fees.

(b) The executive director shall adopt rules to establish a process by which the department will evaluate and certify the amount of sheet metal work experience claimed by applicants for a license under this subchapter.

(c) The department may conduct an examination of any criminal conviction of an applicant, including obtaining any criminal history record information permitted by law.

Sec. 1302.505. JOURNEYMAN SHEET METAL WORKER. An applicant for a journeyman sheet metal worker license shall:

(1) certify to the executive director that the applicant has been employed at least 8,000 hours while registered in a United States Department of Labor apprenticeship program or while receiving on-the-job training under the supervision of a

contractor licensed under Subchapter F;

(2) pass a journeyman sheet metal worker license examination administered under this subchapter; and

(3) pay the application and examination fee required under this subchapter.

Sec. 1302.506. APPRENTICE SHEET METAL WORKER. An applicant for a sheet metal apprentice license shall:

(1) be engaged in the process of learning and assisting in the fabrication, installation, modification, repair, or maintenance of commercial heating, ventilation, and air-conditioning systems while registered in a United States Department of Labor apprenticeship program or while receiving on-the-job training under the supervision of a contractor licensed under Subchapter F; and

(2) pay the application fee required under this subchapter.

Sec. 1302.507. EXAMINATIONS. (a) Journeyman sheet metal license examinations required under this subchapter shall be conducted throughout the state.

(b) The department shall accept, develop, or contract for the examinations required under this subchapter, including the administration of the examinations.

(c) Testing materials shall require an examinee to demonstrate a working knowledge of the International Mechanical Code, the Uniform Mechanical Code, the Sheet Metal and Air Conditioning National Association's duct standards, the rules and standards of the federal Occupational Safety and Health

Administration and the National Fire Protection Association, indoor air quality standards, the testing, adjusting, and balancing of commercial heating, ventilation, and air-conditioning systems, and the reading of blueprints and specifications.

(d) The executive director shall determine uniform standards for acceptable performance on the examinations.

Sec. 1302.508. EXAMINATION RESULTS. (a) Not later than 30 days after the date a journeyman sheet metal worker license examination is administered under this subchapter, the department shall notify the examinee of the results of the examination. If an examination is graded or reviewed by a national testing service, the department shall notify the examinee of the results of the examination not later than 14 days after the date the department receives the results from the testing service.

(b) If the notice of examination results will be delayed for more than 90 days after the examination date, the department shall notify each examinee of the reason for the delay before the 90th day.

(c) If requested in writing by a person who fails an examination administered under this subchapter, the department shall provide to the person an analysis of the person's performance on the examination.

(d) A person who fails an examination for a journeyman sheet metal worker license may not retake the examination before the 90th day after the date of the failed examination.

Sec. 1302.509. NONRESIDENT LICENSE APPLICANT. The executive director may issue a license under this subchapter to an

applicant who holds a sheet metal worker license in another state and who submits a proper application and pays the required fees if the executive director determines that the applicant is licensed in a state with which there is an agreement to recognize licenses issued under this subchapter.

Sec. 1302.510. LICENSE ISSUANCE; NONTRANSFERABILITY. (a) Not later than 30 days after the date the department determines that an applicant has passed a required examination, complied with all application requirements, and paid all required fees, the executive director shall issue the appropriate license to the applicant.

(b) A license issued under this subchapter is valid throughout this state. The license is not transferable.

Sec. 1302.511. LICENSE RENEWAL. (a) A license issued under this subchapter is valid for one year from the date of issuance and is renewable on the anniversary of the date of issuance on payment of the applicable renewal fee.

(b) Not later than the 30th day before the expiration date of a license, the department shall notify the license holder in writing, at the license holder's last known address, of the impending license expiration. A license holder may renew an unexpired license by paying to the department, before the license expiration date, the required renewal fee.

(c) A person whose license has been expired for 90 days or less may renew the license by paying to the department the required renewal fee and a late fee in an amount equal to half of the license fee. A person whose license has been expired for more than 90 days

but less than two years may renew the license by paying to the department all unpaid renewal fees and a late fee in an amount equal to the license fee. A person whose license has been expired for more than two years may not renew the license. The person may obtain a new license by submitting to reexamination and complying with the requirements and procedures under this subchapter for obtaining an original license.

Sec. 1302.512. CONTINUING EDUCATION. (a) The advisory board shall adopt procedures for certifying and shall certify continuing education programs for sheet metal journeyman and apprentice license holders. A journeyman or apprentice license holder must annually complete six hours of continuing education courses on the laws and codes governing heating, ventilating, and air-conditioning systems to be eligible to renew a license issued under this subchapter.

(b) The advisory board shall annually approve individuals, businesses, unions, or associations to provide continuing education course materials. Continuing education program providers will include classroom instruction and course materials as part of each continuing education program.

(c) The advisory board shall periodically publish a list of approved subjects for continuing education programs, including the International Mechanical Code, the Uniform Mechanical Code, the Sheet Metal and Air Conditioning National Association's duct standards, the rules and standards of the federal Occupational Safety and Health Administration and the National Fire Protection Association, indoor air quality standards, the testing, adjusting,

and balancing of commercial heating, ventilation, and air-conditioning systems, and the reading of blueprints and specifications.

(d) Each continuing education program provider shall furnish a uniquely numbered certificate of completion to each licensee after the licensee has completed a course and shall, in a format approved by the advisory board, electronically transmit to the advisory board certification of the licensee's completion not later than 48 hours after the licensee has completed a course.

(e) Each continuing education program provider shall be reviewed annually by the executive director to ensure that the provider's courses have been provided in suitable locations throughout the state.

SECTION 2. As soon as practicable after the effective date of this Act, the Texas Department of Licensing and Regulation shall:

(1) adopt rules, procedures, and fees under Subchapter K, Chapter 1302, Occupations Code, as added by this Act, including rules regarding the initial date that a license will be required under Subchapter K for a person to perform sheet metal work; and

(2) accept or develop the license examinations, or contract with a nationally recognized testing organization for the administration of the license examinations, required by Subchapter K, Occupations Code, as added by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this

1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2005.

H.B. No. 3190 By Kevin Bailey

A BILL TO BE ENTITLED
AN ACT

RELATING TO THE LICENSING AND REGULATION OF JOURNEYMAN AND APPRENTICE SHEET METAL WORKERS.

MAR 11 2005 Filed with the Chief Clerk

MAR 21 2005 Read first time and referred to Committee on Licensing & Administrative Procedures

_____ Reported ____favorably (as amended)
(as substituted)

_____ Sent to Committee on (Calendars)
(Local & Consent Calendars)

_____ Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting

_____ Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Engrossed

_____ Sent to Senate

_____
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

_____ Received from the House

_____ Read and referred to Committee on _____

_____ Reported favorably _____

_____ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

_____ Ordered not printed

_____ Laid before the Senate

_____ Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)

_____ Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

_____ Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

_____ Read third time, _____, and passed by a (viva voce vote)
(_____ yeas, _____ nays)

_____ Returned to the House

_____
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,

_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;

_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)