

## **Texas Administrative Law Chapter 75**

**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 Authority.** *(Section 75.1 effective January 28, 1993, 18 TexReg 301; repealed effective July 21, 1999, 24 TexReg 5469; new section effective July 21, 1999, 24TexReg 5470; amended effective March 7, 2001, 26 TexReg 1833; amended effective December 1, 2003, 28 TexReg 10465)*

The sections in this chapter are authorized by Texas Occupations Code, Chapters 51 and 1302.

**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20 TexReg 7280; amended effective January 10, 1997, 22 TexReg 737; amended effective January 1, 1998, 22 TexReg 12757;repealed effective July 21, 1999, 24 TexReg 5469; new section effective July 21, 1999, 24 TexReg 5470; amended effective December 5, 1999, 24 TexReg 10857; amended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 TexReg2225; amended effective December 1, 2003, 28 TexReg 10465; amended effective September 1, 2004, 29 TexReg 8282; amended effective August 1, 2006, 31 TexReg 5944; amended effective December 31, 2007, 32 TexReg 9963; amended effective April 1, 2011, 36 TexReg 1975)*

The following words and terms have the following meanings as used in this chapter:

- (1) **Act**--Texas Occupations Code, Chapter 1302, Air Conditioning and Refrigeration Contractors.
- (2) **Advertising or Advertisement**--Any commercial message which promotes the services of an air conditioning and refrigeration contractor.
- (3) **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.

(4) **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.

(5) **Assumed name**--As defined in the Business and Commerce Code, Title 5, Chapter 71.

(6) **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.

(7) **Biomedical Testing**--The inspection and sampling of ducts, plenums, or other portions of air conditioning or heating systems to test for the presence of molds, mildews, fungi, bacteria, or other disease-causing organisms. The term does not include performing any type of treatment or remediation.

(8) **Boiler**--As defined in Chapter 755 of the Health and Safety Code.

(9) **Business affiliation**--The business organization to which a licensee elects to assign his license.

(10) **Cheating**--Attempting to obtain, obtaining, providing, or using answers to examination questions by deceit, fraud, dishonesty, or deception.

(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 degrees K to 0 degrees K; or

(D) 209.69 degrees R to 0 degrees R.

(12) **Department**--The Texas Department of Licensing and Regulation.

(13) **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.

(14) **Direct supervision**--Directing and verifying the design, installation, construction, maintenance, service, repair, alteration, or modification of an environmental air conditioning, refrigeration, process cooling, or process heating product or equipment to assure mechanical integrity. Verification may include, but is not limited to:

(A) personal inspection of a job;

(B) reviewing a checklist or report completed by a person who performed some or all of the work on a job; or

(C) reviewing an inspection report of the job made by a municipal mechanical inspector.

(15) **Employee**--An individual who performs tasks assigned by an employer, and who is subject to the employer's control in all aspects of job performance, except that a licensed air conditioning and refrigeration contractor remains responsible for all air conditioning work he or she performs. An employee's wages are subject to deduction of federal income taxes and social security payments. 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 an employee's status for the purpose of this chapter.

(16) **Executive Director**--The executive director of the department.

(17) **Full time employee**--An employee who is present on the job either 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.

(18) **Licensee**--An individual holding a contractor's license of the class and endorsement appropriate to the work performed under the Act and this chapter.

(19) **Offering to perform**--Making a written or oral proposal, contracting in writing or orally to perform air conditioning and refrigeration work, or advertising in any form through any medium that a person or business entity is an air conditioning and refrigeration contractor, or that implies in any way that a person or business entity is available to contract for or perform air conditioning and refrigeration work.

(20) **Permanent office**--Any location, which must be identified by a street address, or other data identifying a rural location, from which a person or business entity conducts the business of an air conditioning and refrigeration contracting company. A location not open to the public, or not located within the state, may serve as a permanent office so long as the department and consumers have access to the licensee required by §1302.252 of the Act to be employed in each permanent office.

(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, and service**--Installing, servicing, repairing, and maintaining air conditioning and refrigeration equipment in accordance with:

(A) applicable municipal ordinances and codes adopted by a municipality where the installation occurs;

(B) the applicable edition of the Uniform Mechanical Code as adopted under §75.110; or the applicable edition of the International Mechanical Code as adopted under §75.110 and International Fuel Gas Code, in areas where no code has been adopted; or the International Residential Code, as applicable;

(C) the manufacturer's specifications and instructions; and

(D) all requirements for safety and the proper performance of the function for which the equipment or product was designed.

(23) **Registrant**--A person who is registered with the department as a technician under the Act and this chapter.

(24) **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.

(25) **System balancing**--A process of adjusting, regulating or proportioning air distribution equipment or any activity beyond system testing.

(26) **System testing**--Assessing or measuring the performance of the air distribution equipment or air conditioning and refrigeration duct system through equipment that can be attached externally to the system. Testing does not include opening, adjusting or balancing equipment or ducts or any activity beyond assessing the system through the use of external equipment. Testing does not include testing fire and smoke dampers,

(27) **Total replacement of a system**--Simultaneous replacement of the condensing unit, the evaporator coil, the furnace, if applicable, and the air handling unit, or replacement of a package system.

**75.20. Contractor 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; amended effective December 1, 2003, 28 TexReg 10465 ; amended effective August 1, 2006, 31 TexReg 5944; amended effective April 1, 2011, 36 TexReg 1975; amended effective March 1, 2012, 37 TexReg 1317)*

(a) To obtain a contractor license, an applicant must:

- (1) submit a completed application on a department-approved form;
- (2) have the requisite amount of experience as prescribed under Occupations Code <\*> 1302.255 based on the date the application is filed with the department;
- (3) pass the examination;
- (4) submit the required fees;
- (5) submit proof of insurance, as prescribed under <\*>75.40, subsequent to passing the examination; and
- (6) complete all requirements, including passing the exam, within one year of the date the application is filed.

(b) An applicant must submit the proper documentation as prescribed by the Department to

receive credit for the amount and type of practical experience claimed by the applicant.

**75.21. Contractor 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; amended effective August 1, 2006, 31 TexReg 5944; amended effective April 1, 2011, 36 TexReg 1975; amended effective March 1, 2012, 37 TexReg 1317)*

(a) A person must obtain the requisite amount of experience as prescribed under Texas Occupations Code §1302.255, based on the date the application is filed with the department, prior to taking an examination.

(b) A passing grade is 70%.

(c) A person taking an examination must comply with the department's examination requirements under, Chapter 60, Subchapter E of this title.

(d) Cheating on an examination is grounds for denial, suspension, or revocation of a license and/or an administrative penalty.

**75.22. Contractor 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; amended effective December 1, 2003, 28 TexReg 10465; amended effective August 1, 2006, 31 TexReg 5944; amended effective April 1, 2011, 36 TexReg 1975)*

(a) The term of an air conditioning and refrigeration contractor's license is one year.

(b) A license is not transferable.

(1) License numbers will have the following form:

Title/Class/Number/Endorsement code-TACL/A/000000/C.

(2) Endorsement codes are as follows:

(A) Environmental Air Conditioning-E;

(B) Commercial Refrigeration and Process Cooling or Heating-R;

(C) Combined Endorsements-C.

(c) A holder of a Class B license with the proper endorsement may perform air conditioning and refrigeration work in a building or a complex of buildings having more than one air conditioning or heating unit. The combined cooling capacity of the units 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.

(d) Any contractor who has a Class B license with one or combined endorsements may upgrade an endorsement(s) by passing the Class A examination for that endorsement.

(e) A contractor who has endorsements of different classes will be issued a separate license number for each endorsement. The licenses will have concurrent expiration dates and will be printed on a single document.

(f) 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.

(g) 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.

(h) 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.

### **75.23. Contractor 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; amended effective December 1, 2003, 28 TexReg 10465; amended effective August 1, 2006, 31 TexReg 5944; amended effective April 1, 2011, 36 TexReg 1975)*

- (a) A company owner or officer, whose only license holder is no longer available due to death or disability, may request a temporary license.
- (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.
- (c) The request for a temporary license must:
  - (1) be made within fifteen (15) calendar days from the date the license holder became unavailable;
  - (2) be in writing;
  - (3) state the reason for the request including the circumstances 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 calendar days from date of issuance.
- (e) A temporary license number assigned by the department must be shown on company vehicles, and must appear on invoices and proposals. The number may be taped to vehicles or applied by any other temporary methods.

The temporary license shall be numbered by the department as follows:

Title/Class/Number/Endorsement code/Temporary Designation.

**75.24. Contractor Licensing and Registration 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; amended effective December 1, 2003, 28 TexReg 10465; amended effective August 1, 2006, 31 TexReg 5944; amended effective December 31, 2007, 32 TexReg 9963; amended effective April 1, 2011, 36 TexReg 1975)*

To renew a contractor's license, a person must:

- (1) submit a completed renewal application on a department-approved form;
- (2) submit all appropriate fees; and
- (3) complete eight (8) hours of continuing education as required under §75.25.

**75.25. Continuing Education.** *(Adopted effective June 1, 2005, 30 TexReg 3095; amended effective April 1, 2011, 36 TexReg 1975; amended effective January 1, 2014, 38 TexReg 9517)*

(a) Terms used in this section have the meanings assigned by Chapter 59 of this title, unless the context indicates otherwise.

(b) To renew an air conditioning and refrigeration contractor license under Texas Occupations Code, Chapter 1302, Subchapter F, that expires prior to June 1, 2014, a licensee must complete eight hours of continuing education in courses approved by the department, including two hours of instruction in Texas state law and rules that regulate the conduct of licensees.

(c) To renew an air conditioning and refrigeration contractor license under Texas Occupations Code, Chapter 1302, Subchapter F, that expires on or after June 1, 2014, a licensee must complete eight hours of continuing education in courses approved by the department, including one hour of instruction in Texas state law and rules that regulate the conduct of licensees.

(d) The continuing education hours must have been completed within the term of the current license, in the case of a timely renewal. For a late renewal, the continuing education hours must have been completed within the one year period immediately prior to the date of renewal.

(e) A licensee may not receive continuing education credit for attending the same course more than once.

(f) A licensee must retain a copy of the certificate of completion for a course for one year after the date of completion. In conducting any inspection or investigation of the licensee, the department may examine the licensee's records to determine compliance with this subsection.

(g) To be approved under Chapter 59 of this title, a provider's course must be dedicated to instruction in one or more of the following topics:

(1) Texas Occupations Code, Chapter 1302, Air Conditioning and Refrigeration Contractors;

(2) Title 16, Texas Administrative Code, Chapter 75, Air Conditioning and Refrigeration Administrative Rules;

(3) the International Mechanical Code, the Uniform Mechanical Code, or other applicable codes;

(4) ethics;

(5) business practices; or

(6) technical requirements.

**75.27. Technician Registration Requirements--Initial Application.** *(New section adopted effective December 31, 2007, 32 TexReg 9963; amended effective April 1, 2011, 36 TexReg 1975)*

(a) To obtain a technician registration, an applicant must:

(1) submit a completed application on a department-approved form; and

(2) submit the required fee.

(b) The term of an air conditioning and refrigeration technician's registration is one year.

(c) A registration is not transferable.

(d) An applicant for registration as an air conditioning and refrigeration technician will be issued a temporary registration that is valid for 21 days if the applicant:

(1) has not been convicted of a criminal offense, or been placed on deferred adjudication; and

(2) pays the required fee.

**75.28. Technician Registration Requirements--Certified Technician Designation.** *(New section adopted effective December 31, 2007, 32 TexReg 9963)*

(a) A registered technician is not required to be certified by the department, and a registrant may perform the same tasks as those performed by a certified technician.

(b) A registered technician may use the designation "certified technician" after obtaining department certification.

(c) To obtain a certified technician designation, an applicant must:

(1) submit a completed application on a department-approved form;

(2) provide proof of having passed a certification examination administered by;

(A) a nationally recognized certification organization; or

(B) other organizations approved by the department; and

(3) pay the required fee.

**75.29. Technician Registration Requirements--Renewal.** *(New section adopted effective April 1, 2011, 36 TexReg 1975)*

To renew a technician registration, with or without the certified technician designation, a person must:

(1) submit a completed renewal application on a department-approved form; and

(2) submit the required fees.

**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; amended effective December 1, 2003, 28 TexReg 10465; amended effective August 1, 2006, 31 TexReg 5944; amended effective April 1, 2011, 36 TexReg 1975)*

(a) The Act and this chapter do not apply to those persons exempt under Occupations Code, Chapter 1302, with the following clarifications:

(1) persons who conduct air conditioning and refrigeration contracting, who are employed by a regulated electric or gas utility facility and perform those services in connection with the utility business in which the person is employed;

(2) a person who engages in air conditioning and refrigeration contracting in a building owned solely by the person as the person's home and who does not engage in the occupation of air conditioning and refrigeration contracting for the general public. This exemption applies only to the homeowner and not to others who may attempt to assist the homeowner;

(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 Chapter 755 of the Health and Safety Code; and

(4) persons who install, repair, or remove a vent hood of the type commonly used in residential and commercial kitchens, as long as the person does not install, repair or remove any other part of the exhaust system.

(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. Contractor 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; amended effective December 1, 2003, 28 TexReg 10465; amended effective August 1, 2006, 31 TexReg 5944; amended effective April 1, 2011, 36 TexReg 1975)*

(a) Class A licensees must 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 \$600,000 aggregate (total amount the policy will pay for property damage and bodily injury coverage); and

(3) of at least \$300,000 aggregate for products and completed operations.

(b) Class B licensees must 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 \$200,000 aggregate (total amount the policy will pay for property damage and bodily injury coverage); and

(3) of at least \$100,000 aggregate for products and completed operations.

(c) Insurance must be obtained from an insurance provider authorized to sell liability insurance in Texas pursuant to the Texas Insurance Code.

(d) A license applicant or licensee must file with the department a completed certificate of insurance or other evidence satisfactory to the department when applying for an initial license, changing a business name or affiliation, and upon request of the department.

(e) Requests to waive the insurance requirements because the license holder does not contract with the public must:

(1) be submitted in writing to the department; and

(2) contain a detailed explanation of the conditions under which the waiver is requested.

(f) A licensee who has received a waiver of insurance cannot perform or offer to perform air conditioning and refrigeration contracting under his license with the general public.

(g) A licensee or an air conditioning and refrigeration contracting company must 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.

**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; amended effective August 1, 2006, 31 TexReg 5944; amended effective April 1, 2011, 36 TexReg 1975)*

(a) The purpose of the Air Conditioning and Refrigeration Contractors Advisory Board is to advise the commission on adopting rules, enforcing and administering the Act, and setting fees.

(b) Expense reimbursements to board members:

(1) are limited to authorized expenses incurred while traveling to and from board meetings; and

(2) must 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.

(c) 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 Contractor/Licensee.** *(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; amended effective December 1, 2003, 28 TexReg 10465; amended effective September 1, 2004, 29 TexReg 8282; amended effective August 1, 2006, 31 TexReg 5944; amended effective April 1, 2011, 36 TexReg 1975)*

(a) The licensee must:

(1) if affiliated with an air conditioning and refrigeration contracting company, assign his license to one company or one permanent office of the company that will use the license;

(2) if affiliated with an air conditioning and refrigeration contracting company, be an 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 permanent mailing address and the name, physical address, and telephone number of the air conditioning and refrigeration contracting company through which the licensee provides services;

(5) verify that all work for which he has supervisory responsibility is performed so that mechanical integrity of installed products, system or equipment is maintained, and that all maintenance, service, and repair work has been done properly;

(6) if affiliated with an air conditioning and refrigeration contracting company, furnish to municipalities a list of authorized agents that may pull permits under

the license, and, if subcontracting jobs to other licensed air conditioning and refrigeration contracting companies, furnish a list of agents of those licensed companies that may pull permits under his license;

(7) provide proper installation and service, and assure the mechanical integrity of work and installations performed or supervised by the licensee;

(8) not misrepresent the need for services, services to be provided, or services that have been provided;

(9) not make a fraudulent promise or false statement to influence, persuade, or induce an individual or a company to contract for services;

(10) not knowingly provide air conditioning and refrigeration work for or on behalf of an unlicensed air conditioning and refrigeration contracting company, or a contracting company that does not have an affiliation with a licensed individual who supervises all air conditioning and refrigeration work as provided by Occupations Code, Chapter 1302, and this chapter; and

(11) only use licensed contractors or registered technicians to perform maintenance work.

(b) 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 employees;

(2) the work or service provided in person or with the licensee's 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.

(c) The design of a system may not be subcontracted to an unlicensed person, firm or corporation.

(d) A licensee who subcontracts to perform work requiring a license under the Act for an air conditioning and refrigeration contracting company is responsible to the company and the department for the mechanical integrity of all work performed by the subcontractor.

(e) The licensee is responsible for all work performed under his supervision, regardless of whether 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.

(f) A licensee may not allow another individual to use his license for any purpose.

(g) A licensee may not allow any air conditioning and refrigeration contracting company with which he has no business affiliation to use his license for any purpose, except as otherwise allowed by this chapter.

(h) A licensee must:

(1) notify the department, in writing, within thirty (30) calendar days of any change in permanent mailing address, company location, company telephone number or change in assignment of license; and

(2) provide a revised insurance certificate to the department within thirty (30) calendar days of a change in the name of the company to which the license is assigned.

(i) Failure to maintain insurance or failure to provide a certificate of insurance when requested is grounds for imposition of administrative penalties and/or sanctions.

(j) Altering a license in any way is prohibited and is grounds for imposition of administrative penalties and/or sanctions.

**75.71. Responsibilities of the Contracting Company.** *(New section effective August 1, 2006, 31 TexReg 5944; amended effective April 1, 2011, 36 TexReg 1975; amended effective September 1, 2015, 40 TexReg 5148)*

(a) An Air Conditioning and Refrigeration Contracting Company must:

- (1) notify the department of all licensees who have assigned their licenses to the company and must notify the department within thirty (30) calendar days when any licensee whose license is assigned to the company has left its employ;
- (2) furnish to the department copies of applicable assumed name registrations from the Office of the Secretary of State and/or County Clerks' office;
- (3) maintain records on its license holder showing payroll taxes deducted and reported to the Texas Workforce Commission, and either, hours worked each day or documentation showing that the licensee is on salary and works full time for the contracting company;
- (4) furnish a copy of the company's records, specified in paragraph (3) of this subsection, at the request of the department;
- (5) furnish to municipalities a list of authorized agents that may pull permits under the license of its license holder, and, if subcontracting jobs to other licensed air conditioning and refrigeration contracting companies, furnish a list of agents of those licensed companies that may pull permits under the license of its license holder; and
- (6) make available to the department in Austin, Texas, or other location designated by the department, the records relating to the business of the air conditioning and refrigeration contracting company conducted through a permanent office for a period of at least three years after completion of a job.

(b) A person or an air conditioning and refrigeration contracting company that performs air conditioning and refrigeration contracting must:

- (1) provide proper installation and service, and assure the mechanical integrity of all work and installations;
- (2) not misrepresent the need for services, services to be provided, or services that 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.

(c) A contracting company may subcontract portions of work requiring a license to unlicensed persons, firms, or corporations as long as:

(1) the contracting company's employees, working under the supervision of the contracting company's assigned licensee actively provides work or service;

(2) the work or service provided by the employees consists of more than accepting a contract or request for service, scheduling the work, and providing supervision of the work; and

(3) the assigned licensee is ultimately responsible to the customer for all work performed by the subcontractor.

(d) The design of a system may not be subcontracted to an unlicensed person, firm or corporation.

(e) Each air conditioning and refrigeration contracting company must have a licensee employed full time for each permanent office. All work requiring a license must be under the direct supervision of the licensee for that office.

(f) If an air conditioning and refrigeration contracting company uses locations other than a permanent office, those locations must be used only for air conditioning and refrigeration workers 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.

(g) Each air conditioning and refrigeration contracting company must display the license number of its affiliated licensee 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 must 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 affiliated license number and company name.

(h) All advertising by air conditioning and refrigeration contracting companies designed to solicit air conditioning or refrigeration business must include the affiliated 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 complies with licensing requirements of the state. The affiliated licensee's number must be provided upon request;

(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.

(i) An invoice must be provided to the consumer for all air conditioning and refrigeration work performed. The company name, address, and phone number must appear on all proposals and invoices. The affiliated licensee's number must appear on all proposals and invoices for air conditioning and refrigeration work. 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, [www.tdlr.texas.gov](http://www.tdlr.texas.gov)" must 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.

(j) An air conditioning and refrigeration contracting company may not use a license that is not assigned to that company.

(k) An air conditioning and refrigeration contracting company may only use licensed contractors or registered technicians to perform maintenance work.

**75.73. Responsibilities of the Technician/Registrant.** *(New section adopted effective December 31, 2007, 32 TexReg 9963; amended effective April 1, 2011, 36 TexReg 1975)*

(a) A registrant must:

- (1) provide proper installation and service, and assure the mechanical integrity of work and installations performed by the registrant;
  - (2) not misrepresent the need for services, services to be provided, or services that have been provided;
  - (3) not knowingly perform any non-exempt air conditioning and refrigeration maintenance work without being under the supervision of a licensed air conditioning and refrigeration contractor;
  - (4) not knowingly provide non-exempt air conditioning and refrigeration work for or on behalf of an air conditioning and refrigeration contracting company that does not have an affiliation with a licensed individual who supervises all air conditioning and refrigeration work as provided by Occupations Code, Chapter 1302, and this chapter; and
  - (5) not use the designation “certified technician” unless he has been certified by the department pursuant to §75.28, or has been certified by examination given by a nationally recognized certification organization, and the individual lists the organization.
- (b) A registrant may not allow another individual to use his registration for any purpose.
- (c) A registrant may not allow any air conditioning and refrigeration contracting company or any air conditioning and refrigeration contractor with which he is not employed to use his registration for any purpose, except as otherwise allowed by this chapter.
- (d) A registrant must notify the department, in writing, within thirty (30) calendar days of any change in permanent mailing address, and telephone number.
- (e) Altering a registration in any way is prohibited and is grounds for imposition of administrative penalties and/or sanctions.

**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; amended effective December 1, 2004, 29 TexReg 11030; amended effective August 1, 2006, 31 TexReg 5944; amended effective December 31, 2007, 32 TexReg 9963; amended effective June 1, 2008, 33 TexReg 4301; amended effective December 1, 2008, 33 TexReg 9692; amended effective April 1, 2011, 36 TexReg 1975; amended effective January 1, 2014, 38 TexReg 9517)*

(a) All application fees are non-refundable.

(b) Air Conditioning and Refrigeration Contractors.

(1) Contractor license application fee is \$115.

(2) Contractor license renewal application fee is \$65.

(3) Revised/Duplicate License/Certificate/Permit/Registration--\$25.

(4) The application fee for adding an endorsement to an existing contractor license is \$25.

(c) Air Conditioning and Refrigeration Technicians.

(1) Technician registration application fee is \$20.

(2) Certified technician designation application fee is \$15. This fee is in addition to the technician registration application fee.

(3) Technician registration renewal application fee (with or without the certified technician designation) is \$20.

(4) Revised/Duplicate License/Certificate/Permit/Registration--\$15.

(d) 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. Administrative Penalties and Sanctions.** *(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; amended effective December 1, 2003, 28 TexReg 10465; amended effective August 1, 2006, 31 TexReg 5944; amended effective December 31, 2007, 32 TexReg 9963; amended effective April 1, 2011, 36 TexReg 1975)*

If a person or entity violates any provision of Texas Occupations Code, Chapter 1302, this chapter, or any rule or order of the executive director or commission, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both in accordance with the provisions of Texas Occupations Code, Chapter 1302; Texas Occupations Code, Chapter 51; and any associated rules.

**75.91. Enforcement Authority.** *(New section effective April 1, 2011, 36 TexReg 1975)*

The enforcement authority granted under Texas Occupations Code, Chapters 51 and 1302 and any associated rules may be used to enforce Texas Occupations Code, Chapter 1302 and this chapter.

**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; amended effective December 1, 2003, 28 TexReg 10465; amended effective August 1, 2006, 31 TexReg 5944; amended effective April 1, 2011, 36 TexReg 1975)*

(a) Electrical Connections.

(1) On new construction of environmental air conditioning, commercial refrigeration, and process cooling or heating systems, licensees may 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 applicable National Electrical Code, the licensee may install a disconnect and reconnect the system.

(3) Control wiring of 50 volts or less may be installed and serviced by a licensee. Control wiring for commercial refrigeration equipment of any voltage may be installed by a licensee with the commercial refrigeration endorsement as long as the control wiring is on the equipment side of the disconnect installed for that purpose.

(4) All electrical work shall be performed in accordance with standards at least as strict as that established by the applicable National Electrical Code and the International Residential Code, where applicable.

(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) Other piping, fittings, valves and controls 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 a person or entity that does not hold a contractor license under Texas Occupations Code Chapter 1302 if:

(A) the task is limited to the air distribution system, from the supply plenum to the supply grilles of the unit and from the return air grill to the air handler intake of the unit;

(B) no cuts are made to ducts or plenums;

(C) no changes are made to electrical connections; and

(D) the only disassembly of any part of the system is opening or removal of return and supply air grilles, or registers that are removable without cutting or removing any other part of the system.

(2) Biomedical testing may be performed by a person or entity that does not hold a contractor license under Texas Occupations Code, Chapter 1302.

(3) Biomedical remediation requires a contractor license under Texas Occupations Code, Chapter 1302.

(d) Process Cooling and Heating.

(1) Process cooling and heating work does not include cryogenic work.

(2) Process cooling and heating work 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 by a licensee, a person or entity that does not hold a contractor license under Texas Occupations Code, Chapter 1302 may perform maintenance, service and repairs on the secondary open loop components including piping, heat exchangers, vessels, cooling towers, sump pumps, motors, and fans.

(e) Standards.

(1) The standard for the practice of air conditioning and refrigeration in a municipality is the code the municipality adopted by ordinance that is consistent with the standards established under the Act and this chapter.

(2) The standard for the practice of air conditioning and refrigeration in an area where no code has been adopted is:

(A) The applicable edition of the International Residential Code for one- and two-family dwellings, and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress, together with the applicable editions of the International Fuel Gas Code and the International Energy Conservation Code;

(B) For commercial work and any multiple family residential work that exceeds the limitations of subparagraph (A), the contractor performing the work may choose between:

(i) the applicable edition of the Uniform Mechanical Code; or

(ii) the applicable editions of the International Mechanical Code, International Fuel Gas Code and International Energy Conservation Code.

(f) System Testing and Balancing.

(1) System testing may be performed by a person or entity that does not hold a contractor license under Texas Occupations Code, Chapter 1302.

(2) System balancing requires a contractor license under Texas Occupations Code, Chapter 1302.

75.110. Applicable Codes. *(New section effective April 1, 2011, 36 TexReg 1975; amended effective August 15, 2014, 39 TexReg 5940)*

(a) The commission adopts the following as the applicable codes as referenced in the Act and this chapter:

(1) 2009 edition of the Uniform Mechanical Code; and

(2) 2009 editions of the International Mechanical Code, the International Residential Code, and other applicable codes.

(b) The 2009 codes will be in effect through December 31, 2014. All air conditioning and refrigeration work permitted or started prior to January 1, 2015, may be completed in accordance with the 2009 code editions.

(c) The commission adopts the following as the applicable codes as referenced in the Act and this chapter:

(1) 2012 edition of the Uniform Mechanical Code; and

(2) 2012 editions of the International Mechanical Code, the International Residential Code, and other applicable codes.

(d) The 2012 codes will be effective January 1, 2015.