

SUBJECT: Continuing education requirements for air conditioning contractors

COMMITTEE: Licensing and Administrative Procedures — committee substitute recommended

VOTE: 5 ayes — Kubiak, Goolsby, Pickett, Torres, Yarbrough
0 nays
4 absent — Wilson, Haggerty, Hamric, D. Jones

WITNESSES: For — Tom Romberg, Texas Air Conditioning Contractors Association
Against — None

DIGEST: CSHB 1391 would require air conditioning and refrigeration contractors to participate in continuing education courses in order to renew their licences.

Licensees would not have to meet continuing education requirements until two years after their initial licensing date. After that period, licensees annually would be have to provide proof to the Commissioner of Licensing and Regulation that they had attended at least eight classroom hours of agency-approved continuing education courses. Four hours of the continuing education courses or educational experience would have to cover safety, technical or environmental aspects of air conditioning, and refrigeration contracting.

The commissioner could permit relevant educational experience to be substituted for up to four hours of classroom instruction. Relevant educational experience could include correspondence courses, manufacturer training, supervised video instruction, or other teaching methods or tools approved by the commissioner.

The commissioner could not require examinations for licensees taking continuing education courses, except for correspondence courses.

The commissioner could impose reasonable fees on providers of continuing education. Providers would have to comply with commission rules and be

approved by the commissioner. Officially approved providers could offer continuing education courses for a two-year period following the date of approval, and could apply for additional two-year increments.

The bill would take effect on September 1, 1997. The Texas Commission on Licensing and Regulation would have to adopt all required rules and the commissioner would have to set fees by January 1, 1998. Persons already licensed as air conditioning and refrigeration contractors would not have to fulfill the continuing education requirements to renew their licenses until September 1, 1999.

**SUPPORTERS
SAY:**

CSHB 1391 would ensure air conditioning contractors have the latest training and skill levels to properly perform work for citizens and companies in Texas. Currently, the state enforces no consistent education or training standards for air conditioning contractors apart from their initial licensing requirements, even though these persons and their work crews service complex equipment worth thousands of dollars.

Because of the rapid and complicated technical advancements in the field, many in the industry already participate in educational seminars and training courses offered by manufacturers or their trade associations. However, since these courses are not mandatory, other contractors do not take advantage of the opportunities. The state's building boom has greatly increased the demand for air conditioning workers; unless Texas enacts continuing education requirements, there is a real danger that our state will attract those who have little experience or lack familiarity with the latest improvements. The results will be felt directly by the consuming public. Since the state licenses these contractors, the Texas public assumes that they have a minimum level of competence and training. CSHB 1391 would justify this assumption.

CSHB 1391 is fully supported by the air conditioning contractor industry trade group, and the education standards imposed under the bill were developed with their input. The eight-hour continuing education rule would not apply to the unlicensed helpers or work crews who often assist air conditioning contractors with their work projects, but would only affect the person who held the actual contractor's license.

OPPONENTS
SAY:

There is no clear need for such a bill, since the industry already offers continuing education courses to whoever wants to take advantage of them. Requiring eight hours of instruction over a full calendar year would not guarantee any greater skill on the part of such contractors, given the amount of information needed to properly cover such a technical field. In addition, unlicensed crew members often perform much of the work, and this bill would not make them any better trained or supervised. The competitive forces of the economic marketplace will weed out those contractors whose skill levels fall below a certain minimum for business survival, so there is no need for added state mandates in an area where the current system has performed adequately.

NOTES:

The committee substitute allowed for substituting relevant education experience for four hours of the continuing education requirement and stipulated that four hours cover technical, safety, or environmental aspects of the field. The substitute deleted allowing examination by computer.

The fiscal note determined CSHB 1391 would have a net positive impact of \$175,036 through the end of fiscal 1999 from the new fees imposed.

The companion bill, SB 1315 by Barrientos, has been referred to the Senate International Relations, Trade, and Technology Committee.