

- SUBJECT:** Vent hood worker exemption from the air conditioning license law
- COMMITTEE:** Licensing and Administrative Procedures — favorable, without amendment
- VOTE:** 8 ayes — Wilson, Yarbrough, Flores, Goolsby, Haggerty, J. Moreno, Palmer, A. Reyna
- 0 nays
- 1 absent — D. Jones
- WITNESSES:** For — Randy Gore, Venus Fab, Inc.; Jimmy Paul LeBeau, Custom Kitchen Fabrication
- Against — None
- BACKGROUND:** Vent hoods are the duct systems that remove cooking fumes from residential and commercial kitchens. Vent hoods fall under the definition of environmental air conditioning in the Air Conditioning and Refrigeration Contractor License Law, art. 8861 VTCS. That definition is: “the process of treating air to control temperature, humidity, cleanliness, ventilation, and circulation to meet human comfort requirements.”
- An air conditioning and refrigeration contractor license is required before someone can install, repair, or remove a vent hood from a residential or commercial kitchen, other than in the owner’s own home.
- To obtain an air conditioning and refrigeration contractor license, an applicant must meet the following requirements:
- ! be at least 18 years of age;
  - ! have at least 36 months of experience in the air conditioning and refrigeration trade in the past five years, with an approved engineering diploma or degree substituting for two years of experience;
  - ! complete an application accompanied by evidence of insurance coverage;
  - ! pass separate examinations for either a class A or B license with separate examinations for air conditioning and refrigeration;
  - ! pay a \$50 application fee and a \$50 exam fee;
  - ! pay a \$125 license fee every three years.

There are class A and class B licenses allowing contractors to work on different sized systems. Either license qualifies a contractor to work on vent hoods.

**DIGEST:** HB 1997 would amend the Air Conditioning and Refrigeration Contractor License Law to specify that it does not apply to a person who installs, repairs, or removes a vent hood of the type commonly used in residential and commercial kitchens.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house and apply to the installation, repair, or removal of a vent hood occurring on or after the effective date.

**SUPPORTERS SAY:** Vent hoods should not be treated as part of an air conditioning system. Vent hoods serve the sole function of venting fumes out of kitchens and have no connection to a building's air conditioning system. Vent hoods are little more than ducts connected to fans and do not require the complicated training necessary for the air conditioning and refrigeration contractor license.

The current law keeps vent hood manufacturers from servicing their own products without an air conditioning and refrigeration contractor license. Vent hoods already have to comply with the standards of the National Sanitation Foundation, Underwriters Laboratory, local fire codes, and city building codes. The vent hood industry is not opposed to a vent hood license, but cannot afford to hire employees with air conditioning and refrigeration contractor licenses.

Vent hoods in commercial kitchens require lots of maintenance to keep up with nearly constant use. It is a financial burden for restaurants to hire expensive licensed contractors for routine maintenance on uncomplicated vent hoods. Finding a licensed contractor on weekends and nights when restaurants are usually busiest can be difficult.

**OPPONENTS SAY:** Though vent hoods are not as complicated as air conditioning or refrigeration systems, their proper maintenance is an important part of fire and health safety. There should be some license requirement and state regulation for vent hood work.

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OTHER  
OPPONENTS  
SAY:

HB 1997 in its current form could be interpreted as an exemption for any contractor who performs vent hood work from the entire license requirement— including air conditioning and refrigeration work. The bill should be amended to exclude the practice of vent hood work from the definition of environmental air conditioning rather than excluding the people who do vent hood work from the license requirement.