

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2294
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Business & Commerce
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Smart home technology has evolved such that several companies offer products that allow a consumer to use one panel and wireless technology to adjust, not only a burglar or fire alarm, but also thermostats, lighting, locks, electrical outlets, and window treatments. The thermostat component of this new technology has created a challenge for various companies and professionals in Texas because of the state's current air conditioning and refrigeration licensing requirements.

Section 1302.002 (Definitions), Occupations Code, stipulates that air conditioning and refrigeration contracting means performing or offering to perform the design, installation, construction, repair, maintenance, service, or modification of equipment or a product in an environmental air conditioning system, a commercial refrigeration system, or a process cooling or heating system. Section 1302.251 (License Required), Occupations Code, further provides that anyone who performs this work in Texas must possess a license from the Texas Department of Licensing and Regulation (TDLR). TDLR has interpreted this language so as to require that anyone who installs or offers to install a thermostat must obtain an air conditioning and refrigeration contractor license, despite the fact that this specific work may not require the technical expertise of a licensed contractor.

C.S.H.B. 2294 clarifies that a person licensed or registered under Chapter 1702 (Private Security), Occupations Code, is not required to obtain an air conditioning and refrigeration contractor license to perform the very limited work of the installation, repair, replacement, or modification of a thermostat or other temperature control interface.

C.S.H.B. 2294 amends current law relating to an exemption from air conditioning and refrigeration contracting regulation for installation of a thermostat.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1302.002(2), Occupations Code, as follows:

(2) Defines "air conditioning and refrigeration contracting" to mean performing or offering to perform the design, installation, construction, repair, maintenance, service, or modification of equipment or a product in an environmental air conditioning system, a commercial refrigeration system, or a process cooling or heating system. Provides that, notwithstanding any other provision of this chapter, the term "air conditioning and refrigeration contracting" does not include the installation, repair, replacement, or modification of a thermostat or other temperature control interface by a person licensed or registered under Chapter 1702 (Private Security) of this code.

SECTION 2. Effective date: September 1, 2013.