

1 The Railroad Commission of Texas (Commission) adopts amendments to §9.2, relating to
2 Definitions; §9.6, relating to Licenses and Fees; §9.10, relating to Rules Examination; §9.13, relating to
3 General Installers and Repairman Exemption; new §9.14, relating to Military Fee Exemption; and
4 amendments to §9.51, relating to General Requirements for LP-Gas Training and Continuing Education;
5 and §9.52, relating to Training and Continuing Education Courses, without changes to the proposed text
6 as published in the October 23, 2015, issue of the *Texas Register* (40 TexReg 7324). The Commission
7 adopts the amendments and new rule pursuant to Senate Bill (SB) 807, 84th Legislature (2015), which
8 added §55.009 to Texas Occupations Code, Chapter 55, requiring a state agency which issues a license to
9 waive the license application and examination fees for an applicant who is a military service member,
10 military veteran, or military spouse, in certain situations.

11 The Commission adopts new §9.14 to address the requirements and procedure for the military fee
12 exemption. The Commission adopts amendments to §§9.6, 9.10, and 9.13 to add a reference to new
13 §9.14.

14 The Commission adopts amendments in §§9.2, 9.10, 9.51 and 9.52 to address the Commission's
15 recent domain name change for its web site and email addresses.

16 The Commission received no comments on the proposal.

17 The Commission adopts the amendments and new rule under Texas Natural Resources Code,
18 §113.051, which authorizes the Commission to promulgate and adopt rules and standards relating to any
19 and all aspects or phases of the LP-gas industry that will protect or tend to protect the health, welfare,
20 and safety of the general public; and Texas Occupations Code, §55.009, which requires the Commission
21 to waive the license application and examination fees for a military service member, military veteran, or
22 military spouse in certain situations.

23 Texas Natural Resources Code, §113.051, and Texas Occupations Code, §55.009, are affected by
24 the adopted amendments and new rule.

1 Statutory authority: Texas Natural Resources Code, §113.051, and Texas Occupations Code,
2 §55.009.

3 Cross-reference to statute: Texas Natural Resources Code, §116.012, and Texas Occupations
4 Code, §55.009.

5
6 §9.2. Definitions.

7 In addition to the definitions in any adopted NFPA pamphlets, the following words and terms,
8 when used in this chapter, shall have the following meanings, unless the context clearly indicates
9 otherwise.

10 (1) - (25) (No change.)

11 (26) LP-Gas Safety Rules--The rules adopted by the Railroad Commission in the Texas
12 Administrative Code, Title 16, Part 1, Chapter 9, including any NFPA or other documents adopted by
13 reference. The official text of the Commission's rules is that which is on file with the Secretary of State's
14 office and available at the Secretary of State's web site or the Commission's web site [www.sos.state.tx.us
15 or through the Commission's web site at www.rrc.state.tx.us].

16 (27) - (60) (No change.)

17
18 §9.6. Licenses and Fees.

19 (a) - (c) (No change.)

20 (d) A military service member, military veteran, or military spouse shall be exempt from the
21 original license fee pursuant to the requirements in §9.14 of this title (relating to Military Fee
22 Exemption). An individual who receives a military fee exemption is not exempt from renewal or
23 transport registration fees specified in §9.7 and §9.202 of this title (relating to Application for License
24 and License Renewal Requirements; and Registration and Transfer of LP-Gas Transports or Container

1 Delivery Units, respectively).

2
3 §9.10. Rules Examination.

4 (a) In addition to complying with NFPA §§4.4 and 11.2, an individual who files LPG Form 16
5 and pays the applicable nonrefundable examination fee may take the rules examination at the
6 Commission's AFRED Training Center, 6506 Bolm Road, Austin, Texas, between the hours of 8:00 a.m.
7 and 12:00 noon, Monday through Friday, except for state holidays, and at other designated times and
8 locations around the state. Tuesdays and Thursdays are the preferred days for examinations at the
9 AFRED Training Center.

10 (1) Dates and locations of available Commission LP-gas examinations may be obtained
11 in the Austin offices of AFRED and on the Commission's web site [~~at www.rrc.state.tx.us~~], and shall be
12 updated at least monthly. Examinations shall be conducted in Austin and in other locations around the
13 state. Individuals or companies may request in writing that examinations be given in their area. AFRED
14 shall schedule its examinations and locations at its discretion.

15 (2) - (4) (No change.)

16 (5) Exam fees.

17 (A) - (D) (No change.)

18 (E) A military service member, military veteran, or military spouse shall be
19 exempt from the examination fee pursuant to the requirements in §9.14 of this title (relating to Military
20 Fee Exemption). An individual who receives a military fee exemption is not exempt from renewal,
21 training, or continuing education fees specified in §§9.9, 9.51, and 9.52 of this title (relating to
22 Requirements for Certificate Renewal; General Requirements for LP-Gas Training and Continuing
23 Education; and Training and Continuing Education Courses, respectively).

24 (6) - (7) (No change.)

1 (b) - (d) (No change.)

2
3 §9.13. General Installers and Repairman Exemption.

4 (a) Any individual who is currently licensed as a master or journeyman plumber by the Texas
5 State Board of Plumbing Examiners or who is currently licensed with a Class A or B Air Conditioning
6 and Refrigeration Contractors License issued by the Texas Department of Licensing and Regulation may
7 register with AFRED and be granted an exemption to the Category D licensing and examination
8 requirements (including insurance, and training and continuing education) provided the applicant:

9 (1) - (4) (No change.)

10 (5) pays the \$50 registration fee, except as described in subsection (g) of this section.

11 (b) - (e) (No change.)

12 (f) Any individual who is issued an exemption under this section [~~this exemption~~] agrees to
13 comply with the current edition of the LP-Gas Safety Rules. In the event the exempt individual
14 surrenders, fails to renew, or has the license revoked either by the Texas State Board of Plumbing
15 Examiners or the Texas Department of Licensing and Regulation, that individual shall immediately cease
16 performing any LP-gas activities granted by this section. The exemption certificate shall be returned
17 immediately to AFRED and all rights and privileges surrendered.

18 (g) A military service member, military veteran, or military spouse shall be exempt from the
19 original registration fee pursuant to the requirements in §9.14 of this title (relating to Military Fee
20 Exemption). An individual who receives a military fee exemption is not exempt from renewal fees
21 specified in §9.9 of this title (relating to Requirements for Certificate Renewal).

22
23 §9.14. Military Fee Exemption.

24 (a) This section applies to military service members, military veterans, or military spouses, as

1 those terms are defined in Texas Occupations Code, Chapter 55.

2 (b) The Commission shall waive license and examination fees for:

3 (1) a military service member or military veteran whose service, training, or education
4 meets the Commission's licensing or certification requirements in this chapter; or

5 (2) a military service member, military veteran, or military spouse who holds a current
6 license issued by another jurisdiction with licensing requirements substantially equivalent to the
7 Commission's licensing requirements in this chapter.

8 (c) To receive a military fee exemption, an applicant for a fee exemption shall file with the
9 Commission LPG Form 35 and any documentation required by this subsection.

10 (1) A military service member or military veteran whose service, training, or education
11 meets the Commission's requirements for licensing or certification shall submit the following
12 documentation with LPG Form 35:

13 (A) a copy of any military records showing the applicant's dates of service;

14 (B) a copy of the applicant's driver's license or state-issued identification card;

15 and either

16 (C) any military service history for the applicant showing that LP-gas activities
17 were performed, including a description of the types of LP-gas activities that were performed; or

18 (D) any military LP-gas training or education the applicant received, including a
19 description of the types of LP-gas activities the training or education covered.

20 (2) A military service member or military veteran who holds a current license issued by
21 another jurisdiction with licensing requirements substantially equivalent to the Commission's
22 requirements in this chapter shall submit the following documentation with LPG Form 35:

23 (A) a copy of the license issued by the named jurisdiction;

24 (B) a description of the types of LP-gas activities that were performed under the

1 license;

2 (C) a copy of any military records showing the applicant's dates of service; and

3 (D) a copy of the applicant's driver's license or state-issued identification card.

4 (3) A military spouse who holds a current license issued by another jurisdiction with
5 licensing requirements substantially equivalent to the Commission's requirements in this chapter shall
6 submit the following documentation with LPG Form 35:

7 (A) a copy of the license issued by the named jurisdiction;

8 (B) a description of the types of LP-gas activities that were performed under the
9 license;

10 (C) a copy of the applicant's driver's license or state-issued identification card;

11 (D) a copy of the military service member's military records, including dates of
12 service; and

13 (E) a copy of a valid marriage license between the applicant and the individual
14 listed on the military records.

15 (d) The Commission shall review LPG Form 35 and required documentation to determine if the
16 requirements for the fee exemption have been met and shall notify the applicant of the determination in
17 writing within 30 days.

18 (1) If all requirements have been met, the applicant may submit the application for
19 license or examination and attach a copy of the written notice granting military fee exemption with the
20 application to serve as notice of payment.

21 (2) If the Commission has notified the applicant that the application is incomplete, the
22 applicant shall provide any requested information or documentation within 30 days of the date of the
23 notice.

24 (e) A military service member, military veteran, or military spouse who receives a military fee

1 exemption is not exempt from, and may not use this section to circumvent, the requirements in this
2 chapter to obtain a license or become certified by examination, including training requirements; license
3 or certification renewal requirements, including training or continuing education classes or fees; or any
4 transport registration requirements or fees.

5
6 §9.51. General Requirements for LP-Gas Training and Continuing Education.

7 (a) - (d) (No change.)

8 (e) Schedules. Dates and locations of available AFRED LP-gas training and continuing education
9 classes can be obtained in the Austin offices of AFRED, and on the Commission's web site [at
10 ~~www.rrc.state.tx.us~~] and shall be updated at least monthly. AFRED classes shall be conducted in Austin
11 and in other locations around the state. Individuals or companies may request in writing that AFRED
12 classes be taught in their area. AFRED shall schedule its classes and locations at its discretion.

13 (f) - (g) (No change.)

14
15 §9.52. Training and Continuing Education Courses.

16 (a) - (h) (No change.)

17 (i) Credit for attendance at CETP courses. A certificate holder who has successfully completed a
18 CETP class, including any applicable knowledge and skills assessments, may receive credit toward the
19 continuing education requirements specified in this section as follows:

20 (1) - (2) (No change.)

21 (3) To receive credit toward the Commission's continuing education requirements, the
22 certificate holder shall submit the following information, clearly readable, by regular mail to AFRED,
23 Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967, or by electronic mail to the
24 following address: training-exams@rrc.texas.gov [~~CETP-credit@rrc.state.tx.us~~].

1 (A) - (C) (No change.)

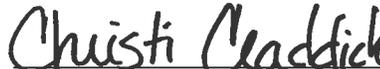
2 (4) (No change.)

3 This agency hereby certifies that the rules as adopted have been reviewed by legal counsel and
4 found to be a valid exercise of the agency's legal authority.

5 Issued in Austin, Texas, on December 15, 2015.

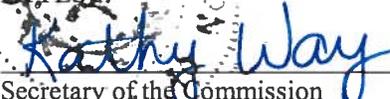
6 Filed with the Office of the Secretary of State on December 15, 2015.

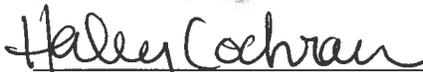

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