

1 The Railroad Commission of Texas (Commission) adopts amendments to §13.61, relating to
2 Licenses, Related Fees, and Licensing Requirements; §13.70, relating to Examination Requirements and
3 Renewals; and new §13.76, relating to Military Fee Exemption, without changes to the proposed text as
4 published in the October 23, 2015, issue of the *Texas Register* (40 TexReg 7327). The Commission
5 adopts the amendments and new rule pursuant to Senate Bill (SB) 807, 84th Legislature (2015), which
6 added §55.009 to Texas Occupations Code, Chapter 55, requiring a state agency which issues a license to
7 waive the license application and examination fees for an applicant who is a military service member,
8 military veteran, or military spouse, in certain situations.

9 The Commission adopts new §13.76 to address the requirements and procedure for the military
10 fee exemption. The Commission adopts amendments to §13.61 and §13.70 to add a reference to new
11 §13.76.

12 The Commission received no comments on the proposal.

13 The Commission adopts the amendments and new rule under Texas Natural Resources Code,
14 §116.012, which authorizes the Commission to adopt rules and standards relating to compressed natural
15 gas activities to protect the health, welfare, and safety of the general public; and Texas Occupations
16 Code, §55.009, which requires the Commission to waive the license application and examination fees for
17 a military service member, military veteran, or military spouse in certain situations.

18 Texas Natural Resources Code, §116.012, and Texas Occupations Code, §55.009, are affected by
19 the adopted amendments and new rule.

20 Statutory authority: Texas Natural Resources Code, §116.012, and Texas Occupations Code,
21 §55.009.

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

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§13.61. Licenses, Related Fees, and Licensing Requirements.

(a) - (k) (No change.)

(l) A military service member, military veteran, or military spouse shall be exempt from the original license fee specified in subsection (b) of this section pursuant to the requirements in §13.76 of this title (relating to Military Fee Exemption). An individual who receives a military fee exemption is not exempt from renewal or transport registration fees specified in subsection (i) of this section and §13.69 of this title (relating to Registration and Transfer of CNG Transports and CNG Form 1004 Decal or Letter of Authority).

§13.70. Examination Requirements and Renewals.

(a) Examination general provisions.

(1) No individual may work or be employed in any capacity which requires contact with CNG or CNG systems until that individual has submitted to and successfully completed an examination which measures the competency of that individual to perform the CNG related activities anticipated, and tests working knowledge of the Texas Natural Resources Code and the regulations for compressed natural gas related to the type of CNG work anticipated. Table 1 of this section sets forth specific requirements for examination for each category of license. This section applies to all licensees and their employees who perform CNG related activities, and also applies to any ultimate consumer who has purchased, leased, or obtained other rights in any vessel defined as a CNG transport by this chapter and any employee of such ultimate consumer if that employee drives or in any way operates such a CNG transport. Driving a motor vehicle powered by CNG or fueling of motor vehicles for an ultimate consumer by the ultimate consumer or its employees do not in themselves constitute CNG related activities. Only paragraph (2) of this subsection applies to an employee of an ultimate consumer or a state

1 agency or institution, county, municipality, school district, or other governmental subdivision.

2 Figure: 16 TAC §13.70(a)(1) (No change.)

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

4 (D) A military service member, military veteran, or military spouse shall be
5 exempt from the examination fee pursuant to the requirements in §13.76 of this title (relating to Military
6 Fee Exemption). An individual who receives a military fee exemption is not exempt from renewal fees
7 specified in subsection (d) of this section.

8 (2) - (3) (No change.)

9 (4) An individual who has filed CNG Form 1016 and the applicable nonrefundable
10 examination fee may take the rules examination at the Commission's AFRED Training Center, 6506
11 Bolm Road, Austin, Texas, between the hours of 8:00 a.m. and 12:00 noon, Monday through Friday,
12 except for state holidays, and at other designated times and locations around the state. Tuesdays and
13 Thursdays are the preferred days for examinations at the AFRED Training Center. Dates and locations of
14 available Commission CNG examinations may be obtained in the Austin offices of AFRED and on the
15 Commission's web site [~~at www.rrc.state.tx.us~~], and shall be updated at least monthly. Examinations shall
16 be conducted in Austin and in other locations around the state. Individuals or companies may request in
17 writing that examinations be given in their area. AFRED shall schedule its examinations and locations at
18 its discretion.

19 (5) - (6) (No change.)

20 (b) General installers and repairmen exemption.

21 (1) Any individual who is currently licensed as a master or journeyman plumber by the
22 Texas State Board of Plumbing Examiners or who is currently licensed with a Class A or B air
23 conditioning and refrigeration contractors license issued by the Department of Licensing and Regulation
24 may apply for and be granted an exemption to the Category 2 and 3 service and installation employee

1 examination requirements by submitting to AFRED the following information:

2 (A) (No change.)

3 (B) a \$30 original filing fee, except as described in paragraph (7) of this
4 subsection; and

5 (C) (No change.)

6 (2) - (6) (No change.)

7 (7) A military service member, military veteran, or military spouse shall be exempt from
8 the original registration fee pursuant to the requirements in §13.76 of this title. An individual who
9 receives a military fee exemption is not exempt from renewal fees specified in subsection (d) of this
10 section.

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

12
13 §13.76. Military Fee Exemption.

14 (a) This section applies to military service members, military veterans, or military spouses, as
15 those terms are defined in Texas Occupations Code, Chapter 55.

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

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

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

22 (c) To receive a military fee exemption, an applicant for a fee exemption shall file with the
23 Commission CNG Form 1035 and any documentation required by this subsection.

24 (1) A military service member or military veteran whose service, training, or education

1 meets the Commission's requirements for licensing or certification shall submit the following
2 documentation with CNG Form 1035:

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

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

5 and either

6 (C) any military service history for the applicant showing that CNG activities
7 were performed, including a description of the types of CNG activities that were performed; or

8 (D) any military CNG training or education the applicant received, including a
9 description of the types of CNG activities the training or education covered.

10 (2) A military service member or military veteran who holds a current license issued by
11 another jurisdiction with licensing requirements substantially equivalent to the Commission's
12 requirements in this chapter shall submit the following documentation with CNG Form 1035:

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

14 (B) a description of the types of CNG activities that were performed under the
15 license;

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

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

18 (3) A military spouse who holds a current license issued by another jurisdiction with
19 licensing requirements substantially equivalent to the Commission's requirements in this chapter shall
20 submit the following documentation with CNG Form 1035:

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

22 (B) a description of the types of CNG activities that were performed under the
23 license;

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

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

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

5 (d) The Commission shall review CNG Form 1035 and required documentation to determine if
6 the requirements for the fee exemption have been met and shall notify the applicant of the determination
7 in writing within 30 days.

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

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

14 (e) A military service member, military veteran, or military spouse who receives a military fee
15 exemption is not exempt from, and may not use this section to circumvent, the requirements in this

1 chapter to obtain a license or become certified by examination; license or certification renewal
2 requirements; or any transport registration requirements or fees.

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.



David Porter, Chairman



Christi Craddick, Commissioner



Ryan Simon, Commissioner





Secretary of the Commission



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