

The Texas Commission on Environmental Quality (commission) adopts amendments to §§30.231, 30.240, 30.242, 30.245, and 30.247 *with changes* to the proposed text as published in the April 4, 2008, issue of the *Texas Register* (33 TexReg 2776) and will be republished.

#### BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE ADOPTED RULES

The adopted rules implement requirements in House Bill (HB) 2482, 80th Legislature, 2007, relating to persons who service or maintain on-site sewage disposal systems using aerobic treatment. HB 2482 impacts two chapters within 30 TAC: Chapter 30, Occupational Licenses and Registrations, and Chapter 285, On-Site Sewage Facilities. This adoption addresses the revisions to Chapter 30.

The commission administers the On-Site Sewage Facility (OSSF) Program that currently includes executive director delegation of OSSF authority to Counties, Municipalities, and River Authorities. The commission administers the Occupational Licensing and Registration Program for issuances of licenses and registrations required to perform OSSF-related work.

The adopted rules revise existing requirements for the general public, installers, all aerobic system maintenance providers, engineers, sanitarians, site evaluators, authorized agents and designated representatives.

The adopted rules further define the commission's regulations regarding licensing and registration of individuals who service or maintain OSSFs using aerobic treatment under Texas Health and Safety Code (THSC), Chapter 366. One purpose in the statute is to allow the commission to develop and implement a new program to register maintenance providers.

The adopted rules specify requirements for maintenance providers to obtain an occupational license to perform service and maintenance of on-site sewage disposal systems using aerobic treatment.

Additionally, significant revisions in these rules include the license creation for maintenance providers and creating a new category of registration for maintenance technicians.

#### SECTION BY SECTION DISCUSSION

The commission adopts administrative changes throughout these sections to be consistent with Texas Register requirements and other agency rules and guidelines and to conform to the drafting standards in the *Texas Legislative Council Drafting Manual*, August 2006.

#### *Subchapter G: On-Site Sewage Facilities Installers, Apprentices, Designated Representatives, Maintenance Providers, and Site Evaluators*

The adopted amendment to Subchapter G, On-site Sewage Facilities Installers, Apprentices, Designated Representatives, Maintenance Providers, and Site Evaluators, revises the current title to include Maintenance Technicians.

The adopted amendment to §30.231, Purpose and Applicability, creates a licensing requirement for maintenance providers and registration requirements for maintenance technicians under the section. The adopted amendment eliminates the September 1, 2008 transitional deadline for becoming a registered maintenance provider under a Wastewater D license because a Wastewater D license would no longer qualify for licensing under the adopted maintenance provider requirements. This adopted amendment

provides for a one-year period for maintenance providers to transition to a new license or registration and allows time for other individuals to obtain a maintenance provider license or maintenance technician registration. Finally, §30.231(a)(5) was amended to specify licensure for maintenance providers.

The adopted amendment to §30.240, Qualifications for Initial License, allows a certified professional soil scientist to obtain a site evaluator license. This amendment also adds new licensing requirements for a maintenance provider. Section 30.240(e)(2) was amended to provide for a pro rata reduction in the license fee during the transitional period between a current registration and new licensure, §30.240(e)(5) was amended to specify the examination for licensure as a maintenance provider, and §30.240(e)(7) was added to provide an exemption for completing the advanced maintenance provider course and passing the maintenance provider licensing examination for those maintenance provider applicants who held a current maintenance provider registration on the effective date of these rules and meet all the other requirements of this section.

The adopted amendment to §30.242, Qualifications for License Renewal, adds requirements for renewing a maintenance provider's license and exempts any Installer II or designated representative from maintaining those licenses in order to renew a site evaluator's license.

The adopted amendment to §30.245, Registration of Apprentices, is re-titled as "Registration of Apprentices and Maintenance Technicians" and provides requirements for registration as a maintenance technician and was amended to define a maintenance technician as an individual who maintains OSSFs for compensation and is not a licensed maintenance provider. It also holds the apprentice responsible for the three-year registration renewal.

The adopted amendment to §30.247 revises requirements for registering maintenance providers and §30.247(2)(a) was amended to be consistent with current requirements for completing the basic maintenance provider coursework.

#### FINAL REGULATORY IMPACT ANALYSIS

The commission reviewed this rulemaking action in light of the regulatory analysis requirements of the Administrative Procedure Act, Texas Government Code (TGC), §2001.001 *et. seq.*, and determined that the adopted rules are not subject to TGC, §2001.0225 because they do not meet the definition of a "major environmental rule" as defined in TGC, §2001.0225(g)(3). A "major environmental rule" means a rule, the specific intent of which, is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, of the public health and safety of the state or a sector of the state. The intent of the adopted rules is to revise existing licensing and registration requirements for persons who service or maintain on-site sewage disposal systems using aerobic treatment: installers, all aerobic system maintenance providers, engineers, sanitarians, site evaluators, authorized agents and designated representatives. Protection of human health and the environment may be a by-product of these adopted rules, but it is not the specific intent of the rules. Further, these adopted rules would not adversely affect, in a material way, the economy, a section of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. These adopted rules are not expected to result in significant fiscal implications for OSSF aerobic system owners, installers, aerobic system maintenance providers, engineers, sanitarians, site evaluators, authorized agents or designated representatives. Similarly, these adopted rules are not expected to affect

the environment and public health and safety in any material, adverse way. Thus, these adopted rules do not meet the definition of "a major environmental rule" as defined in TGC, §2001.0225(g)(3), and do not require a full regulatory impact analysis.

Furthermore, these adopted rules do not meet any of the four applicability requirements listed in TGC, §2001.0225(a). Section 2001.0225 applies only to a major environmental rule which: (1) exceeds a standard set by federal law, unless the rule is specifically required by state law; (2) exceeds an express requirement of state law, unless the rule is specifically required by federal law; (3) exceeds a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or (4) adopts a rule solely under the general powers of the agency instead of under a specific state law. The adopted rules do not exceed a federal standard because there are no federal standards regulating on-site sewage facilities. The adopted rules do not exceed state law requirements because these rules are required by HB 2482. Also, the adopted rules do not exceed a requirement of an agreement because there are no delegation agreements or contracts between the State of Texas and an agency or representative of the federal government to implement a state and federal program regarding on-site sewage facilities. And finally, these rules are being adopted under specific state laws, in addition to the general powers of the agency. Therefore, Texas Government Code, §2001.0225 is not applicable to these adopted rules. The commission invited but received no comments regarding the draft regulatory impact analysis determination.

#### TAKINGS IMPACT ASSESSMENT

The commission evaluated these adopted rules and performed an assessment of whether these adopted rules constitute a taking under TGC, Chapter 2007. The intent of these adopted rules is to revise existing

licensing and registration requirements for persons who service or maintain on-site sewage disposal systems using aerobic treatment: installers, all aerobic system maintenance providers, engineers, sanitarians, site evaluators, authorized agents, and designated representatives. Promulgation and enforcement of these adopted rules would be neither a constitutional nor a statutory taking of private real property. Specifically, the subject adopted regulations would not affect a landowner's rights in private real property because this rulemaking does not burden nor restrict or limit the owner's right to property or reduce its value by 25% or more beyond that which would otherwise exist in the absence of the regulations. These adopted rules do not affect private real property.

#### CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission reviewed the adopted rules and found that they are neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11(b)(2) or (4), nor will they affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11(a)(6). Therefore, the adopted rules are not subject to the Texas Coastal Management Program. No comments were received concerning the Texas Coastal Management Plan.

#### PUBLIC COMMENTS

An opportunity to provide public comment was offered at a public hearing scheduled in Austin on April 29, 2008. The comment period closed on May 5, 2008.

The commission received 22 written comments concerning the proposed rules. Comments were received from BaCorp, Cedar Hill Backhoe, Ecological Tanks, Inc., Grimes County Environmental, Heart of Texas Chapter of the Texas On-Site Wastewater Association (HTCTOWA) submitted with 14 signatures, Koller

& Son Septic Service, Parker County Health Department, Swinscoe's Septic Service, the Texas On-Site Wastewater Association (TOWA), Woodard's Septic Service, Inc., and 19 individuals. The commission also received over 250 form letters from members of TOWA. Additionally, seven oral comments concerning these rules were offered during the April 29, 2008 public hearing.

## RESPONSE TO COMMENTS

### *General Comments*

BaCorp commented that a homeowner will not understand the requirements for maintenance provider licensing until problems occur and that there will be a loss in professionalism.

**The commission acknowledges the comment and responds that while some homeowners may not understand the licensing requirements for maintenance providers, BaCorp did not provide specific examples or details on how professionalism in the maintenance industry would decline. No changes were made in response to this comment.**

One individual commented that maintenance providers should buy an existing business or attend at least 40 hours of training relating to providing aerobic treatment unit (ATU) maintenance.

**The commission responds that purchasing an existing ATU maintenance business does not necessarily substitute for adequate aerobic system training. While the commission agrees that training is integral to proper ATU maintenance, the most significant training occurs in the field when troubleshooting ATU problems. No changes were made in response to this comment.**

One individual commented that the named-member workgroup should be permanent.

**The commission responds that the executive director plans to pursue creation of a workgroup to assist in future rulemaking and will consider membership terms at that time. No changes were made in response to this comment.**

Koller & Sons Septic Service commented that the cards issued for maintenance providers currently state license and asked if the commission is capable of issuing the correct certificate.

**The commission responds that replacement cards have been issued to all registered maintenance providers with the term "registration" instead of "license" to eliminate any confusion. No changes were made in response to this comment.**

One individual commented that all Installer I licensees and licensed maintenance providers should be moved to the same laws that cover plumbers and electricians.

**The commission responds that this would require a statutory change and is beyond the scope of this rulemaking. No changes were made in response to this comment.**

One individual commented that the rule process is confusing in that different commission representatives gave conflicting information about the rules when asked. This individual also requested that the commission keep its responses consistent so it can add credibility to the process.

**The commission responds that the purpose of publishing the rules in the *Texas Register* is to ensure they are made available to anyone wishing to review them and to also ensure the same set of rules are being reviewed so that there will not be any misunderstanding concerning what is in the rules.**

**No changes were made in response to this comment.**

One individual commented that the commission does not pursue and enforce against licensees who violate the law.

**The commission disagrees with this statement and responds that both the local Authorized Agents and the commission enforce against violators. The Authorized Agents issue notices of violations and pursue enforcement through the local courts when warranted. The commission also pursues violators and initiates formal enforcement when warranted. The initial efforts are to seek compliance and pursue enforcement only when necessary. No changes were made in response to this comment.**

*Specific comments*

Ecological Tanks, Inc., HTCTOWA, Swinscoe Septic Service, TOWA, and nine individuals commented that those holding an existing maintenance provider registration are sufficiently trained and should not be subject to the new requirements for licensing maintenance providers. Koller & Son Septic Service asked if it was in the best interest of the state that a new program be implemented which may lower the number of maintenance providers. The Parker County Health Department commented that additional registration is excessive and that the original program should be left in place. One individual commented that they had followed all of the requirements for registration and was not in favor of the new licensing program

because of the additional cost and time and that the new licensing program is a ploy to bleed licensees of more money. This individual also commented that they are a micro-business and cannot absorb the additional licensing costs.

**The commission responds that HB 2482 specifically eliminated the existing maintenance program and allowed the commission to develop a new program to register maintenance providers. While there are additional costs related to the new rules regarding registration and licensing, these costs are intended to be minimized by exempting some licensees and the transfer of registration from maintenance providers to maintenance technicians at no cost to the registrant. No changes were made in response to this comment.**

TOWA commented that while they support the need for a licensed maintenance provider, current Installer II and Wastewater C licensees should not have to take an advanced course and examination to obtain a maintenance provider license. Koller & Son Septic Service commented that current licensees should not have to take an advanced course and examination to obtain a maintenance provider license. Three individuals commented that a licensee with significant experience, including manufacturer's certification, should be grandfathered. One individual commented that while he is licensed to operate the largest wastewater treatment plant, he must re-test and be certified for a 500 gallon per day treatment plant.

**The commission agrees that individuals who meet the requirements of §30.240(e) and who held a current maintenance provider registration on the effective date of these rules should be exempt from the requirement for completing an advanced aerobic course and passing the maintenance provider licensure examination, provided that they meet the remaining requirements for licensure**

**as a maintenance provider. As a result, §30.240(e)(7) has been added to allow an exemption for maintenance providers from taking the advanced aerobic maintenance course and licensing examination provided that they meet all of the other maintenance provider licensing requirements as of the effective date of these rules.**

One individual commented that Wastewater D licensees with a manufacturer's certification and a minimum of two years experience should be grandfathered.

**The commission responds that HB 2510 (79th Legislature, 2005) removed the ability for a Wastewater D licensee to become a maintenance provider. While the commission allowed a two-year phase-out of this licensee to become a maintenance provider, HB 2482 (80th Legislature, 2007) did not reinstate Wastewater D licensees as eligible for registration as a maintenance provider. No changes were made in response to this comment.**

Cedar Hill Backhoe commented that they are not opposed to additional training as long as continuing education unit (CEU) credit is included. Ecological Tanks, Inc. commented that the commission should require advanced training for those not currently licensed and that these advanced training classes should count towards the eight hours of continuing education required for maintaining OSSF licenses.

**The commission agrees that CEU credit be given for this training, as currently allowed for all other license training. No changes were made in response to this comment.**

Members of TOWA commented that they support the creation of a new 16-hour class for the maintenance provider license only for those who do not hold a current Wastewater C or Installer II license.

**The commission responds that there are no specifics in the adopted rules as to the time required for the advance maintenance provider license course and implementing this comment would only affect maintenance technicians with three years of experience who apply for licensure. The commission responds that the advanced course is intended for all applicants not meeting the exemption in §30.240(e)(7). No changes were made in response to this comment.**

One individual commented that the new maintenance provider licensing program will hurt the homeowner because the maintenance provider won't be in the business long enough to get the necessary experience. Two individuals commented that new maintenance providers will not have the proper experience and training and one of these individuals commented that new maintenance providers will have bids that are unrealistically low and will make it more difficult for the reputable maintenance providers to stay in business. One individual commented that an applicant for a maintenance provider license should have a minimum of three years experience.

**The commission responds that the requirements for licensing include either: Installer II license, a Wastewater C license or three years experience as a maintenance provider, as found in §30.240(e) and that these requirements, including competition between maintenance companies, and mandatory continuing education should help assure proper training. No changes were made in response to this comment.**

Two individuals commented that the additional coursework will cause maintenance providers to pass on the cost to their customers, which they cannot do without losing maintenance contracts.

**The commission responds that it has no ability to regulate maintenance costs in contracts between maintenance providers and its customers. No changes were made in response to this comment.**

One individual commented that the advanced course and examination should be for those who did not currently have manufacturer certification. Additionally, this individual commented that the advanced course and examination should be difficult because the rule removed the manufacturer's certification.

**The commission responds that the advanced course is intended for all applicants who do not meet the requirements for exemption on the effective date of these rules, as described in §30.240(e)(7). No changes were made in response to this comment.**

One individual commented that adequate maintenance training will be sufficient if the state has adequate training programs in place.

**The commission agrees with this comment. No changes were made in response to this comment.**

Grimes County Environmental commented that if Designated Representatives (DRs) are not allowed to perform work in other jurisdictions, then DRs should not have to pay renewal fees as a DR if the commission does not allow DRs to work in other jurisdictions.

**The commission responds that a DR license can only be used for performing regulatory OSSF work on behalf of the authorized agent work in their area(s) of jurisdiction. The purpose of licensing and registration fees for all licensing programs is to implement those licensing programs. No changes were made in response to these comments.**

**SUBCHAPTER G: ON-SITE SEWAGE FACILITIES INSTALLERS, APPRENTICES,  
DESIGNATED REPRESENTATIVES, MAINTENANCE PROVIDERS, MAINTENANCE  
TECHNICIANS, AND SITE EVALUATORS**

**§§30.231, 30.240, 30.242, 30.245, 30.247**

**STATUTORY AUTHORITY**

These amendments are adopted under Texas Water Code (TWC), §5.013, concerning the General Jurisdiction of the Commission; TWC, §5.102, concerning General Powers; and TWC, §5.103, concerning Rules. These amendments are also adopted under TWC, §§37.001 - 37.015, concerning: Definitions; Rules; License or Registration Required; Qualifications; Issuance and Denial of Licenses and Registrations; Renewal of License or Registration; Licensing Examinations; Training; Continuing Education; Fees; Advertising; Complaints; Compliance Information; Practice of Occupation; Roster of License Holders and Registrants; and Power to Contract. Finally, these amendments are adopted under Texas Health and Safety Code (THSC), §366.011, concerning General Supervision and Authority; THSC, §366.012, concerning Rules Concerning On-Site Sewage Disposal Systems; and THSC, §366.071, concerning Occupational Licensing and Registration.

These adopted amendments implement TWC, §§5.013, 5.102, 5.103, 37.001 - 37.015; and THSC, §§366.011, 366.012, and 366.071.

**§30.231. Purpose and Applicability.**

(a) The purpose of this subchapter is to establish qualifications for issuing and renewing licenses and registrations for a person that:

- (1) constructs any part of an on-site sewage facility;
- (2) performs the duties of a designated representative;
- (3) performs the duties of a site evaluator;
- (4) performs the duties of an apprentice;
- (5) performs the duties of a licensed maintenance provider; or
- (6) performs the duties of a maintenance technician.

(b) A person that performs any of the tasks listed in subsection (a) of this section must meet the qualifications of this subchapter and be licensed or registered according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), unless exempt under §30.244 of this title (relating to Exemptions), and must comply with the requirements of Chapter 285 of this title (relating to On-Site Sewage Facilities).

(c) A person that holds a current maintenance provider registration that performs maintenance to on-site sewage disposal systems using aerobic treatment shall be allowed to continue to perform maintenance provider duties until August 31, 2009. Effective September 1, 2009, those individuals shall either hold a:

- (1) maintenance provider license; or
- (2) maintenance technician registration.

(d) Effective September 1, 2009, all current maintenance provider registrations will be converted to maintenance technician registrations.

(e) Individuals renewing their maintenance provider registration after April 30, 2009 will be issued a maintenance technician registration or may apply for a maintenance provider license, provided they meet the qualifications for the initial license of a maintenance provider.

(f) No applications for maintenance provider registrations will be accepted after April 30, 2009.

**§30.240. Qualifications for Initial License.**

(a) To obtain an Installer I license, an individual must have:

(1) met the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);

(2) completed the Installer I basic training course; and

(3) passed the Installer I examination.

(b) To obtain an Installer II license, an individual must have:

(1) met the requirements of Subchapter A of this chapter;

(2) met one of the following requirements:

(A) held an Installer I license for at least one year;

(B) held an apprentice registration for at least two years; or

(C) previously possessed an Installer II license;

(3) completed the Installer II basic training course;

(4) passed the Installer II examination; and

(5) met the experience requirements. Applicants for an Installer II license must submit statements attesting to the applicant's work experience. Such statements shall include a description of the type of on-site sewage facility (OSSF) work that was performed by the applicant and the physical addresses where the activity occurred. The experience shall be actual work accomplished under the license or registration. The number of systems will not substitute for the time required. Experience requirements are:

(A) to document experience as an Installer I, the applicant shall submit either:

(i) sworn statements from at least three individuals for whom the applicant performed construction services, statements cannot be provided by individuals related by blood or marriage to the applicant or applicant's spouse;

(ii) a sworn statement from a designated representative who has approved a minimum of three installations performed by the applicant; or

(iii) other documentation of the applicant's work experience, approved by the executive director;

(B) to document experience as an apprentice, the applicant shall submit either:

(i) a sworn statement from the installer for whom the applicant performed construction services;

(ii) a sworn statement from a designated representative who witnessed the applicant working on at least six OSSF installations; or

(iii) other documentation of the applicant's work experience, approved by the executive director.

(c) To obtain a designated representative license, an individual must have:

- (1) met the requirements of Subchapter A of this chapter;
- (2) completed the designated representative basic training course; and
- (3) passed the designated representative examination.

(d) To obtain a site evaluator license, an individual must have:

- (1) met the requirements of Subchapter A of this chapter; and
- (2) met the following requirements:
  - (A) complete the site evaluator basic training course;
  - (B) pass the site evaluator examination; and

(C) possess a current Installer II license, designated representative license, professional engineer license, professional sanitarian license, certified professional soil scientist, or professional geoscientist license in the soil science discipline (an individual who maintains a current license through the Texas Board of Professional Geoscientists according to the requirements for professional practice).

(e) Effective September 1, 2009, a maintenance provider must be licensed with the executive director. To obtain a maintenance provider license, a person must:

(1) meet the requirements of Subchapter A of this chapter;

(2) submit a completed application and a \$111 fee to the executive director on a form approved by the executive director. Applicants with a current maintenance provider registration will be given a pro rata reduction in the \$111 fee toward the maintenance provider license for the unexpired term of their registration;

(3) submit verification that the applicant holds a current Installer II, Class C (or higher) Wastewater license or acceptable documentation of three years experience as a maintenance technician. Registered maintenance provider experience obtained prior to the effective date of these rules may be applied towards the three years of experience as a maintenance technician; and

(4) successfully complete agency-approved courses in basic maintenance and advanced aerobic wastewater treatment related to residential proprietary aerobic treatment units. Advanced aerobic wastewater treatment courses must have been approved after September 1, 2008;

(5) pass the maintenance provider licensing examination;

(6) any additional information required by the executive director; and

(7) Exemption. Maintenance provider license applicants who obtained a maintenance provider registration prior to the effective date of these rules, hold a current maintenance provider registration, and meet all of the other provisions of this chapter for licensing as a maintenance provider on the effective date of these rules are exempt from the requirements for completion of the agency-approved advanced aerobic wastewater treatment course and the maintenance provider licensing examination.

**§30.242. Qualifications for License Renewal.**

(a) To renew an Installer I, Installer II, designated representative, maintenance provider, or site evaluator license, an individual must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and

(2) completed a minimum of 24 hours of approved training credits.

(b) In addition to the requirements in subsection (a) of this section, an individual renewing a license for site evaluator shall demonstrate possession of a current license specified in §30.240(d)(2)(C) of this title (relating to Qualifications for Initial License) except for individuals who were granted a site evaluator license on the basis of holding either an Installer II or designated representative license.

(c) For the renewal of a maintenance provider license, the individual is not required to hold a current Installer II or Wastewater C license, but must meet all the requirements in subsection (a) of this section.

**§30.245. Registration of Apprentices and Maintenance Technicians.**

(a) Apprentice. An individual who enters into an apprenticeship under the supervision of a licensed on-site sewage facility (OSSF) installer shall be registered with the executive director.

(1) Application. An application for registration shall be made on a standard form provided by the executive director. The completed application and a \$111 fee must be submitted to the executive director.

(2) Notification. After verifying that the requirements for registration have been met, the executive director shall mail the registration certificate no later than 45 days after the effective date of the registration. An individual's application may be denied according to §30.33 of this title (relating to License or Registration Denial, Warning, Suspension, or Revocation).

(3) Expiration. The apprentice registration will expire three years after the issuance date of the registration.

(4) An apprentice's registration may not be renewed if:

(A) the registration has been expired for more than 30 days;

(B) the registration has been revoked; or

(C) the apprentice has obtained an installer license.

(5) An apprentice whose registration renewal application is not received by the executive director or is not postmarked within 30 days after the registration expiration date of the current registration, must submit a new application with the appropriate fee. The apprentice will be assigned a new registration number and date, but will not lose any experience gained under the previous registration.

(b) Maintenance technician. An individual who maintains OSSFs for compensation and is not a licensed maintenance provider shall be registered with the executive director as a maintenance technician. A maintenance technician shall have successfully completed an agency-approved course in basic maintenance provider training.

(1) Application. An application for registration shall be made on a standard form provided by the executive director. The completed application and a \$111 fee must be submitted to the executive director.

(2) Notification. After verifying that the requirements for registration have been met, the executive director shall mail the registration certificate no later than 45 days after the effective date of the registration. An individual's application may be denied according to §30.33 of this title.

(3) Expiration or termination. The maintenance technician's registration will expire three years after the issuance date of the registration.

(4) A maintenance technician's registration may not be renewed if:

(A) the registration has been expired for more than 30 days;

(B) the registration has been revoked; or

(C) the registration has been replaced by a higher class of license.

(5) A maintenance technician whose registration renewal application is not received by the executive director or is not postmarked within 30 days after the registration expiration date of the current registration, must submit a new application with the appropriate fee. The maintenance technician

will be assigned a new registration number and date, but will not lose any experience gained under the previous registration.

**§30.247. Registration of Maintenance Providers.**

The following provisions shall be effective only through April 30, 2009. No new maintenance provider registration applications will be accepted after April 30, 2009.

(1) A maintenance provider must be registered with the executive director.

(2) To register as required by Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), a person must:

(A) meet the requirements of Subchapter A of this chapter and successfully complete an agency-approved course in basic maintenance provider training;

(B) submit a completed application and a \$111 fee to the executive director on a form approved by the executive director; and,

(C) any additional information required by the executive director.

(3) To renew a maintenance-provider registration, a maintenance provider must:

(A) meet the requirements in Subchapter A of this chapter; and

(B) submit a completed renewal application and a \$111 fee to the executive director on a form approved by the executive director.