

By: Driver

H.B. No. 72

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of certain electricians.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1305.002, Occupations Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Agricultural use" means a use or activity involving agriculture, as defined by Section 11.002, Water Code, other than the processing of an agricultural commodity.

SECTION 2. Section 1305.003(a), Occupations Code, is amended to read as follows:

(a) This chapter does not apply to:

(1) the installation of electrical equipment in a ship, watercraft other than a floating building, railway rolling stock, aircraft, or a motor vehicle other than a mobile home ~~or recreational vehicle~~;

(2) the installation of electrical equipment underground in a mine and in self-propelled mobile surface mining machinery and its attendant electrical trailing cable;

(3) the installation of electrical equipment for generation, transformation, transmission, or distribution of power used exclusively to operate railway rolling stock or exclusively for signaling and communications purposes;

(4) the installation, maintenance, alteration, or repair of communications equipment provided by a

telecommunications provider;

(5) the installation, maintenance, alteration, or repair of electrical equipment under the exclusive control of an electric utility, electric cooperative, or municipally owned utility and used for communications or metering, or for the generation, control, transformation, transmission, and distribution of electrical energy, and located:

(A) in a building used exclusively by a utility for those purposes;

(B) outdoors on property owned or leased by the utility;

(C) on public highways, streets, roads, or other public rights-of-way; or

(D) outdoors by established rights in vaults or on private property;

(6) work not specifically regulated by a municipal ordinance that is performed in or on a dwelling by a person who owns and resides in the dwelling;

(7) work involved in the manufacture of electrical equipment;

(8) electrical maintenance work if:

(A) the work is performed by a person regularly employed as a maintenance person at the building or premises;

(B) the work is performed in conjunction with the business in which the person is employed; and

(C) the person does not engage in electrical work for the public;

1 (9) the installation, maintenance, alteration, or
2 repair of electrical equipment or associated wiring under the
3 exclusive control of a gas utility and used for communications or
4 metering or for the control, transmission, or distribution of
5 natural gas;

6 (10) thoroughfare lighting, traffic signals,
7 intelligent transportation systems, and telecommunications
8 controlled by a governmental entity;

9 (11) electrical connections supplying heating,
10 ventilation, and cooling and refrigeration equipment, including
11 any required disconnect exclusively for the equipment, if the
12 service is performed by a licensed air conditioning and
13 refrigeration contractor under Chapter 1302;

14 (12) the design, installation, erection, repair, or
15 alteration of Class 1, Class 2, or Class 3 remote control,
16 signaling, or power-limited circuits, fire alarm circuits, optical
17 fiber cables, or communications circuits, including raceways, as
18 defined by the National Electrical Code;

19 (13) landscape irrigation installers, as necessary to
20 perform the installation and maintenance of irrigation control
21 systems, and landscapers, as necessary to perform the installation
22 and maintenance of low-voltage exterior lighting and holiday
23 lighting excluding any required power source;

24 (14) a person who is employed by and performs
25 electrical work solely for a private industrial business, including
26 a business that operates a chemical plant, petrochemical plant,
27 refinery, natural gas plant, natural gas treating plant, pipeline,

1 or oil and gas exploration and production operation;

2 (15) the installation, maintenance, alteration, or
3 repair of elevators, escalators, or related equipment, excluding
4 any required power source, regulated under Chapter 754, Health and
5 Safety Code;

6 (16) the installation, maintenance, alteration, or
7 repair of equipment or network facilities provided or utilized by a
8 cable operator, as that term is defined by 47 U.S.C. Section 522, as
9 amended; ~~and~~

10 (17) the location, design, construction, extension,
11 maintenance, and installation of on-site sewage disposal systems in
12 accordance with Chapter 366, Health and Safety Code;

13 (18) electrical work performed on a building,
14 structure, or equipment in agricultural use, excluding the
15 cultivation of plants in containers or nonsoil media by a nursery
16 grower; and

17 (19) the installation, maintenance, alteration, or
18 repair of well pumps and equipment, excluding any required power
19 source, in accordance with Chapter 1902.

20 SECTION 3. Section 1305.161, Occupations Code, is amended
21 to read as follows:

22 Sec. 1305.161. ELECTRICAL APPRENTICE. An applicant for a
23 license as an electrical apprentice must be ~~[at least 16 years of~~
24 ~~age and be]~~ engaged in the process of learning and assisting in the
25 installation of electrical work or electrical sign work under the
26 supervision of a licensed master electrician or a licensed master
27 sign electrician, as appropriate.

1 SECTION 4. (a) Notwithstanding Section 3(a)(1), Chapter
2 1062, Acts of the 78th Legislature, Regular Session, 2003, an
3 applicant for a license under that section must apply not later
4 than:

5 (1) September 1, 2004, if this Act receives a vote of
6 two-thirds of all members elected to each house, as provided by
7 Section 39, Article III, Texas Constitution; or

8 (2) October 1, 2004, if this Act does not receive the
9 vote necessary for immediate effect.

10 (b) For purposes of the issuance of a license under Section
11 3, Chapter 1062, Acts of the 78th Legislature, Regular Session,
12 2003, the executive director of the Texas Department of Licensing
13 and Regulation shall accept alternative documentation of
14 on-the-job experience approved by the department if the license
15 applicant is unable to provide proof of on-the-job training
16 certified by a master electrician or master sign electrician, as
17 appropriate.

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2004.