

BILL ANALYSIS

C.S.H.B. 1487

By: Driver

Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

While some Texas municipalities and regions have licensing programs for electricians, there are no minimum standards in state law. Forty-one states, not including Texas, license electricians and electrical contractors to protect the public and ensure the safety of those working with electricity. C.S.H.B. 1487 enacts the Texas Electrical Safety and Licensing Act, which provide minimum standards for electricians and electrical contractors in Texas.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive director of the Texas Department of Licensing and Regulation in SECTION 1 (Section 1305.101, Section 1305.102, Section 1305.151, Section 1305.167 and Section 1305.168, Occupations Code) or to the Texas Commission of Licensing & Regulation in SECTION 1 (Section 1305.101, Occupations Code) in this bill.

ANALYSIS

CSHB1487 establishes an electrical safety and licensing program under the Texas Department of Licensing and Regulation. Establishes the Texas Electrical Safety and Licensing Advisory Board to advise the Department on technical matters including examinations, licensing standards, electrical cord requirements and continuing education. Establishes the National Electrical Code as the electrical code in Texas. The Texas State Electrical Safety and Licensing Advisory Board will be comprised of nine members appointed by the presiding officer of the governing board of the Department. The advisory board will have three master electricians, three journeymen electricians and three public members. The committee substitute sets forth licensing requirements for master electricians, master sign electricians, journeyman electricians, journeyman sign electricians, residential wiremen, maintenance electricians, electrical contractors, electrical sign contractors, and electrical apprentices. A municipality or region may not require a person to take a municipal or regional exam if the person has a state license. Legislation does not prohibit a municipality or region from requiring inspections, offering examinations, issuing municipal licenses or collecting license and examination fees. Electrical work must be installed in accordance with all applicable local ordinances or in accordance with standards at least as stringent as those contained in the National Electrical Code. Allows the Department to establish reciprocal agreements with states have equivalent standards. Violation of this Act is a Class C misdemeanor. The committee substitute authorizes the Department to impose administrative penalties and to issue cease and desist orders. Provides grand fathered licenses for persons working as electricians or electrical contractors meeting specified requirements. Provides for effective dates for various provisions.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB1487 differs from the original by providing that the Texas Department of Licensing and Regulation will administer the electrical safety and licensing act rather than an independent agency. As a result of placing the program under an existing agency, a number of the provisions were either deleted or added to conform to operations of the Department. The substitute revises exemption language to more accurately describe the work being exempted and adds several other exemptions. Under the substitute, the Texas Electrical Safety and Licensing Advisory Board will be appointed by the Department's governing body rather than the Governor and will advise the Department on technical matters. Authority granted to the board under the original bill, is granted to the Department and the Department is required to hire an occupational and code specialist to oversee the program. The substitute provides for annual licensing and requires four hours per year of continuing education for renewal. CSHB1487 also authorizes the executive director to impose administrative penalties and issue cease and desist orders. The effective dates for various provisions are revised in the substitute as requested by the Department.