

1-1 By: Driver, et al. (Senate Sponsor - Armbrister) H.B. No. 1487
1-2 (In the Senate - Received from the House May 6, 2003;
1-3 May 8, 2003, read first time and referred to Committee on State
1-4 Affairs; May 23, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 23, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1487 By: Armbrister

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the licensing and regulation of certain electricians;
1-11 providing penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Title 8, Occupations Code, is amended by adding
1-14 Chapter 1305 to read as follows:

1-15 CHAPTER 1305. ELECTRICIANS

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 1305.001. SHORT TITLE. This chapter may be cited as
1-18 the Texas Electrical Safety and Licensing Act.

1-19 Sec. 1305.002. DEFINITIONS. In this chapter:

1-20 (1) "Advisory board" means the Electrical Safety and
1-21 Licensing Advisory Board.

1-22 (2) "Commission" means the Texas Commission of
1-23 Licensing and Regulation.

1-24 (3) "Department" means the Texas Department of
1-25 Licensing and Regulation.

1-26 (4) "Electrical code" means the National Electrical
1-27 Code published by the National Fire Protection Association as
1-28 adopted by the commission.

1-29 (5) "Electrical contracting" means the business of
1-30 designing, installing, erecting, repairing, or altering electrical
1-31 wires or conductors to be used for light, heat, power, or signaling
1-32 purposes. The term includes the installation or repair of ducts,
1-33 raceways, or conduits for the reception or protection of wires or
1-34 conductors and the installation or repair of any electrical
1-35 machinery, apparatus, or system used for electrical light, heat,
1-36 power, or signaling.

1-37 (6) "Electrical contractor" means a person engaged in
1-38 electrical contracting.

1-39 (7) "Electrical engineer" means a person licensed
1-40 under Chapter 1001 who possesses the necessary qualifications,
1-41 training, and technical knowledge to perform electrical
1-42 engineering work in this state.

1-43 (8) "Electrical inspector" means a person certified by
1-44 the International Association of Electrical Inspectors or
1-45 International Code Council.

1-46 (9) "Electrical work" means any labor or material used
1-47 in installing, maintaining, or extending an electrical wiring
1-48 system and the appurtenances, apparatus, or equipment used in
1-49 connection with the use of electrical energy in, on, outside, or
1-50 attached to a building, residence, structure, property, or
1-51 premises. The term includes service entrance conductors as defined
1-52 by the National Electrical Code.

1-53 (10) "Executive director" means the executive
1-54 director of the department.

1-55 (11) "Residential wireman" means a person licensed
1-56 under this chapter who may only perform electrical installations in
1-57 single-family and multifamily dwellings not exceeding four
1-58 stories.

1-59 Sec. 1305.003. EXEMPTIONS; APPLICATION OF CHAPTER. (a)
1-60 This chapter does not apply to:

1-61 (1) the installation of electrical equipment in a
1-62 ship, watercraft other than a floating building, railway rolling
1-63 stock, aircraft, or a motor vehicle other than a mobile home or

- 2-1 recreational vehicle;
- 2-2 (2) the installation of electrical equipment
- 2-3 underground in a mine and in self-propelled mobile surface mining
- 2-4 machinery and its attendant electrical trailing cable;
- 2-5 (3) the installation of electrical equipment for
- 2-6 generation, transformation, transmission, or distribution of power
- 2-7 used exclusively to operate railway rolling stock or exclusively
- 2-8 for signaling and communications purposes;
- 2-9 (4) the installation, maintenance, alteration, or
- 2-10 repair of communications equipment provided by a
- 2-11 telecommunications provider;
- 2-12 (5) the installation, maintenance, alteration, or
- 2-13 repair of electrical equipment under the exclusive control of an
- 2-14 electric utility, electric cooperative, or municipally owned
- 2-15 utility and used for communications or metering, or for the
- 2-16 generation, control, transformation, transmission, and
- 2-17 distribution of electrical energy, and located:
- 2-18 (A) in a building used exclusively by a utility
- 2-19 for those purposes;
- 2-20 (B) outdoors on property owned or leased by the
- 2-21 utility;
- 2-22 (C) on public highways, streets, roads, or other
- 2-23 public rights-of-way; or
- 2-24 (D) outdoors by established rights in vaults or
- 2-25 on private property;
- 2-26 (6) work not specifically regulated by a municipal
- 2-27 ordinance that is performed in or on a dwelling by a person who owns
- 2-28 and resides in the dwelling;
- 2-29 (7) work involved in the manufacture of electrical
- 2-30 equipment;
- 2-31 (8) electrical maintenance work if:
- 2-32 (A) the work is performed by a person regularly
- 2-33 employed as a maintenance person at the building or premises;
- 2-34 (B) the work is performed in conjunction with the
- 2-35 business in which the person is employed; and
- 2-36 (C) the person does not engage in electrical work
- 2-37 for the public;
- 2-38 (9) the installation, maintenance, alteration, or
- 2-39 repair of electrical equipment or associated wiring under the
- 2-40 exclusive control of a gas utility and used for communications or
- 2-41 metering or for the control, transmission, or distribution of
- 2-42 natural gas;
- 2-43 (10) thoroughfare lighting, traffic signals,
- 2-44 intelligent transportation systems, and telecommunications
- 2-45 controlled by a governmental entity;
- 2-46 (11) electrical connections supplying heating,
- 2-47 ventilation, and cooling and refrigeration equipment, including
- 2-48 any required disconnect exclusively for the equipment, if the
- 2-49 service is performed by a licensed air conditioning and
- 2-50 refrigeration contractor under Chapter 1302;
- 2-51 (12) the design, installation, erection, repair, or
- 2-52 alteration of Class 1, Class 2, or Class 3 remote control,
- 2-53 signaling, or power-limited circuits, fire alarm circuits, optical
- 2-54 fiber cables, or communications circuits, including raceways, as
- 2-55 defined by the National Electrical Code;
- 2-56 (13) landscape irrigation installers, as necessary to
- 2-57 perform the installation and maintenance of irrigation control
- 2-58 systems, and landscapers, as necessary to perform the installation
- 2-59 and maintenance of low-voltage exterior lighting and holiday
- 2-60 lighting excluding any required power source;
- 2-61 (14) a person who is employed by and performs
- 2-62 electrical work solely for a private industrial business, including
- 2-63 a business that operates a chemical plant, petrochemical plant,
- 2-64 refinery, natural gas plant, natural gas treating plant, pipeline,
- 2-65 or oil and gas exploration and production operation;
- 2-66 (15) the installation, maintenance, alteration, or
- 2-67 repair of equipment or network facilities provided or utilized by a
- 2-68 cable operator, as that term is defined by 47 U.S.C. Section 522, as
- 2-69 amended; and

3-1 (16) the location, design, construction, extension,
3-2 maintenance, and installation of on-site sewage disposal systems in
3-3 accordance with Chapter 366, Health and Safety Code.

3-4 (b) This chapter applies to all premises wiring that
3-5 originates where an electric utility's facilities end and a
3-6 nonutility customer's electric facilities begin, except as
3-7 permitted by Section 161.123(2)(A), Utilities Code.

3-8 (c) This chapter applies to an installation in a building
3-9 used by a utility for purposes other than a purpose listed in this
3-10 section, including an office building, warehouse, garage, machine
3-11 shop, or recreational building that is not an integral part of a
3-12 generating plant, substation, or control center.

3-13 [Sections 1305.004-1305.050 reserved for expansion]

3-14 SUBCHAPTER B. ADVISORY BOARD

3-15 Sec. 1305.051. ELECTRICAL SAFETY AND LICENSING ADVISORY
3-16 BOARD. (a) The advisory board consists of nine members appointed
3-17 by the presiding officer of the commission with the approval of the
3-18 commission as follows:

- 3-19 (1) three master electrician members;
- 3-20 (2) three journeyman electrician members; and
- 3-21 (3) three public members.

3-22 (b) The advisory board members must include:

- 3-23 (1) two members who are affiliated with a statewide
3-24 association of electrical contractors not affiliated with a labor
3-25 organization;
- 3-26 (2) three members who are affiliated with a labor
3-27 organization;
- 3-28 (3) one member who is not affiliated with a statewide
3-29 association of electrical contractors or with a labor organization;
3-30 and

3-31 (4) one member who is affiliated with a historically
3-32 underutilized business, as that term is defined by Section
3-33 2161.001, Government Code.

3-34 (c) A licensed electrical engineer or an electrical
3-35 inspector may be appointed as a public member of the advisory board.

3-36 (d) An appointment to the advisory board shall be made
3-37 without regard to the race, color, disability, sex, religion, age,
3-38 or national origin of the appointee.

3-39 Sec. 1305.052. TERMS; VACANCIES. (a) Advisory board
3-40 members serve terms of six years, with the terms of three members
3-41 expiring on February 1 of each odd-numbered year.

3-42 (b) A member may not consecutively serve more than two full
3-43 terms.

3-44 (c) If a vacancy occurs during a term, the presiding officer
3-45 of the commission shall appoint a replacement who meets the
3-46 qualifications of the vacated position to serve for the remainder
3-47 of the term.

3-48 Sec. 1305.053. PRESIDING OFFICER. The presiding officer of
3-49 the commission shall appoint one of the advisory board members to
3-50 serve as presiding officer of the advisory board for a term of one
3-51 year. The presiding officer of the advisory board may vote on any
3-52 matter before the advisory board.

3-53 Sec. 1305.054. COMPENSATION; REIMBURSEMENT OF EXPENSES.
3-54 Advisory board members may not receive compensation but are
3-55 entitled to reimbursement for actual and necessary expenses
3-56 incurred in performing the functions of the advisory board, subject
3-57 to the General Appropriations Act.

3-58 Sec. 1305.055. MEETINGS. The advisory board shall meet
3-59 twice annually and may meet at other times at the call of the
3-60 presiding officer of the commission.

3-61 [Sections 1305.056-1305.100 reserved for expansion]

3-62 SUBCHAPTER C. POWERS AND DUTIES

3-63 Sec. 1305.101. GENERAL POWERS AND DUTIES. (a) The
3-64 executive director or commission, as appropriate, shall:

- 3-65 (1) by rule establish the financial responsibility
3-66 requirements for electrical contractors; and
- 3-67 (2) after publication of the National Electrical Code
3-68 by the National Fire Protection Association every three years,
3-69 adopt the revised National Electrical Code as the electrical code

4-1 for the state.

4-2 (b) The executive director or commissioner, as appropriate,
4-3 may:

4-4 (1) establish reciprocity agreements with other
4-5 states that have licensing requirements substantially equivalent
4-6 to the requirements of this chapter; and

4-7 (2) take other action as necessary to administer and
4-8 enforce this chapter.

4-9 Sec. 1305.102. RULES. (a) The executive director shall
4-10 adopt rules for the licensing of electricians and electrical
4-11 contractors as prescribed by this chapter.

4-12 (b) The executive director by rule shall prescribe
4-13 descriptions of the types of activities that may be performed by
4-14 each class of license holder under this chapter.

4-15 (c) The executive director by rule shall adopt standards of
4-16 conduct requirements for license holders under this chapter.

4-17 Sec. 1305.103. FEES. The commission shall establish and
4-18 collect reasonable and necessary fees in amounts sufficient to
4-19 cover the costs of administering this chapter.

4-20 Sec. 1305.104. POWERS AND DUTIES OF ADVISORY BOARD. The
4-21 advisory board shall provide advice and recommendations to the
4-22 department on technical matters relevant to the administration and
4-23 enforcement of this chapter, including examination content,
4-24 licensing standards, electrical code requirements, and continuing
4-25 education requirements.

4-26 Sec. 1305.105. PERSONNEL. The department may employ
4-27 personnel necessary to administer and enforce this chapter. The
4-28 department shall employ an electrical occupations and code
4-29 specialist to oversee the electrical licensing and safety program.

4-30 [Sections 1305.106-1305.150 reserved for expansion]

4-31 SUBCHAPTER D. LICENSE REQUIREMENTS

4-32 Sec. 1305.151. LICENSE REQUIRED. Except as provided by
4-33 Section 1305.003, a person may not perform electrical work unless
4-34 the person holds an appropriate license issued or recognized under
4-35 this chapter.

4-36 Sec. 1305.152. APPLICATION REQUIREMENTS. (a) An applicant
4-37 for a license under this chapter must:

4-38 (1) submit to the department a completed application
4-39 on a form prescribed by the executive director;

4-40 (2) submit to the department any other information
4-41 required by executive director rule;

4-42 (3) demonstrate to the satisfaction of the executive
4-43 director the appropriate amount of electrical work experience as
4-44 required by this subchapter;

4-45 (4) demonstrate the applicant's honesty,
4-46 trustworthiness, and integrity; and

4-47 (5) pay the application and examination fees.

4-48 (b) The executive director shall adopt rules to establish a
4-49 process by which the department shall evaluate the experience
4-50 required of applicants for a license under this chapter.

4-51 (c) The department may conduct an examination of any
4-52 criminal conviction of an applicant, including obtaining any
4-53 criminal history record information permitted by law.

4-54 Sec. 1305.153. REQUIREMENTS FOR MASTER ELECTRICIAN. An
4-55 applicant for a license as a master electrician must:

4-56 (1) have at least 12,000 hours of on-the-job training
4-57 under the supervision of a master electrician; and

4-58 (2) pass a master electrician examination
4-59 administered under this chapter.

4-60 Sec. 1305.154. MASTER SIGN ELECTRICIAN. An applicant for a
4-61 license as a master sign electrician must:

4-62 (1) have at least 12,000 hours of on-the-job training
4-63 under the supervision of a master sign electrician; and

4-64 (2) pass a master sign electrician examination
4-65 administered under this chapter.

4-66 Sec. 1305.155. JOURNEYMAN ELECTRICIAN. An applicant for a
4-67 license as a journeyman electrician must:

4-68 (1) have at least 8,000 hours of on-the-job training
4-69 under the supervision of a master electrician; and

5-1 (2) pass a journeyman electrician examination
 5-2 administered under this chapter.

5-3 Sec. 1305.156. JOURNEYMAN SIGN ELECTRICIAN. An applicant
 5-4 for a license as a journeyman sign electrician must:

5-5 (1) have at least 8,000 hours of on-the-job training
 5-6 under the supervision of a master sign electrician; and

5-7 (2) pass a journeyman sign electrician examination
 5-8 administered under this chapter.

5-9 Sec. 1305.157. RESIDENTIAL WIREMAN. An applicant for a
 5-10 license as a residential wireman must:

5-11 (1) have at least 4,000 hours of on-the-job training
 5-12 under the supervision of a master electrician or residential
 5-13 wireman; and

5-14 (2) pass a residential wireman examination
 5-15 administered under this chapter.

5-16 Sec. 1305.158. MAINTENANCE ELECTRICIAN. An applicant for a
 5-17 license as a maintenance electrician must:

5-18 (1) have at least 8,000 hours of on-the-job training
 5-19 under the supervision of a master electrician or maintenance
 5-20 electrician; and

5-21 (2) pass a maintenance electrician examination
 5-22 administered under this chapter.

5-23 Sec. 1305.159. ELECTRICAL CONTRACTOR. (a) An applicant
 5-24 for a license as an electrical contractor must:

5-25 (1) be licensed under this chapter as a master
 5-26 electrician or employ a person licensed under this chapter as a
 5-27 master electrician;

5-28 (2) establish proof of financial responsibility in the
 5-29 manner prescribed by the executive director; and

5-30 (3) maintain workers' compensation coverage for the
 5-31 contractor's employees through an insurance company authorized to
 5-32 engage in the business of insurance in this state or through
 5-33 self-insurance, or elect not to obtain workers' compensation
 5-34 coverage, as provided by Subchapter A, Chapter 406, Labor Code.

5-35 (b) A person who holds a master electrician license issued
 5-36 or recognized under this chapter may only be assigned to a single
 5-37 electrical contractor, unless the master electrician owns more than
 5-38 50 percent of the electrical contracting business.

5-39 Sec. 1305.160. ELECTRICAL SIGN CONTRACTOR. (a) An
 5-40 applicant for a license as an electrical sign contractor must:

5-41 (1) be licensed under this chapter as a master sign
 5-42 electrician or employ a person licensed under this chapter as a
 5-43 master sign electrician;

5-44 (2) establish proof of financial responsibility in the
 5-45 manner prescribed by the executive director; and

5-46 (3) maintain workers' compensation coverage for the
 5-47 contractor's employees through an insurance company authorized to
 5-48 engage in the business of insurance in this state or through
 5-49 self-insurance, or elect not to obtain workers' compensation
 5-50 coverage, as provided by Subchapter A, Chapter 406, Labor Code.

5-51 (b) A person who holds a master sign electrician license
 5-52 issued or recognized under this chapter may only be assigned to a
 5-53 single electrical contractor, unless the master sign electrician
 5-54 owns more than 50 percent of the electrical sign contracting
 5-55 business.

5-56 Sec. 1305.161. ELECTRICAL APPRENTICE. An applicant for a
 5-57 license as an electrical apprentice must be at least 16 years of age
 5-58 and be engaged in the process of learning and assisting in the
 5-59 installation of electrical work under the supervision of a licensed
 5-60 master electrician.

5-61 Sec. 1305.162. EXAMINATIONS. (a) Examinations required by
 5-62 this subchapter shall be conducted throughout the state.

5-63 (b) The department shall accept, develop, or contract for
 5-64 the examinations required by this chapter, including the
 5-65 administration of the examinations. Each examination must test the
 5-66 knowledge of the applicant about materials and methods used in
 5-67 electrical installations and the standards prescribed by the
 5-68 National Electrical Code as adopted by the executive director.

5-69 (c) The executive director shall determine uniform

standards for acceptable performance on an examination.

Sec. 1305.163. EXAMINATION RESULTS. (a) Not later than the 30th day after the date on which an examination is administered under this chapter, the department shall notify each examinee of the results of the examination. If an examination is graded or reviewed by a national testing service, the department shall notify examinees of the result of the examination not later than the 14th day after the date on which the department receives the results from the testing service.

(b) If the notice of the examination results will be delayed for more than 60 days after the examination date, the department shall notify each examinee of the reason for the delay before the 60th day.

(c) If requested in writing by a person who fails an examination administered under this chapter, the department shall provide to the person an analysis of the person's performance on the examination.

Sec. 1305.164. NONRESIDENT LICENSE APPLICANT. The executive director may issue a license under this chapter to an applicant who holds a license in another state and who submits a proper application and pays the required fees if the executive director determines that the applicant is licensed in a state with which there is an agreement to recognize licenses issued under this chapter.

Sec. 1305.165. LICENSE ISSUANCE; NONTRANSFERABILITY. (a) Not later than the 30th day after the date on which the department determines that an applicant has passed the examination required under this chapter, the executive director shall issue a license to the applicant if the applicant has complied with the application requirements and paid the fees required by this chapter.

(b) A license issued by the executive director is valid throughout this state and is not transferable.

Sec. 1305.166. DISPLAY OF LICENSE. (a) An electrical contractor and electrical sign contractor shall display the contractor's business name and the number of the license issued by the executive director on each vehicle owned by the contractor.

(b) The information required to be displayed must be:

(1) printed in letters and numbers that are at least two inches high and in a color that contrasts with the color of the background surface; and

(2) permanently affixed in conspicuous places on both sides of the vehicle.

Sec. 1305.167. LICENSE RENEWAL. (a) Except as provided by Subsection (b), a license expires annually on December 31 and may be renewed annually on payment of the required renewal fee.

(b) The executive director by rule may adopt a system under which licenses expire on various dates during the year. For the year in which the license expiration date is changed, renewal fees payable on or before December 31 shall be prorated on a monthly basis so that each license holder pays only that portion of the renewal fee that is applicable to the number of months during which the license is valid. On renewal of the license on the new expiration date, the total renewal fee is due.

(c) Not later than the 30th day preceding the expiration date of a person's license, the department shall notify the person in writing, at the person's last known mailing address, of the impending license expiration. A person may renew an unexpired license by paying to the department, before the license expiration date, the required renewal fee.

(d) A person whose license has been expired for 90 days or less may renew the license by paying to the department the required renewal fee and a late fee in an amount equal to half of the license fee. A person whose license has been expired for more than 90 days but less than two years may renew the license by paying to the department all unpaid renewal fees and a late fee in an amount equal to the license fee. A person whose license has been expired for more than two years may not renew the license. The person may obtain a new license by submitting to reexamination and complying with the requirements and procedures for obtaining an original

7-1 license.

7-2 Sec. 1305.168. CONTINUING EDUCATION. (a) To renew a master
 7-3 electrician, journeyman electrician, master sign electrician,
 7-4 journeyman sign electrician, maintenance electrician, or
 7-5 residential wireman license, the license holder must complete four
 7-6 hours of continuing education annually.

7-7 (b) Continuing education courses that satisfy the
 7-8 requirements of this section must address the National Electrical
 7-9 Code, as adopted under Section 1305.101, and state laws and rules
 7-10 that regulate the conduct of license holders under this chapter.

7-11 (c) The executive director by rule shall approve continuing
 7-12 education courses, course content, and course providers. The
 7-13 commission may adopt a fee for the administration of the
 7-14 department's duties regarding continuing education.

7-15 [Sections 1305.169-1305.200 reserved for expansion]

7-16 SUBCHAPTER E. REGULATION OF ELECTRICIANS BY LOCAL GOVERNMENTS

7-17 Sec. 1305.201. MUNICIPAL OR REGIONAL REGULATION. (a) This
 7-18 chapter does not prohibit a municipality or region from regulating
 7-19 electricians by:

7-20 (1) enacting an ordinance requiring inspections;

7-21 (2) offering examinations;

7-22 (3) issuing municipal or regional licenses; or

7-23 (4) collecting permit fees for municipal or regional
 7-24 licenses and examinations from electricians for work performed in
 7-25 the municipality or region.

7-26 (b) A municipality or region may not require a person to
 7-27 take a municipal or regional examination if that person holds the
 7-28 appropriate license issued under this chapter and is working within
 7-29 the scope of that license.

7-30 (c) A municipality may adopt procedures for the:

7-31 (1) adoption of local amendments to the National
 7-32 Electrical Code; and

7-33 (2) administration and enforcement of that code.

7-34 (d) Electrical work performed within the corporate limits
 7-35 of a municipality must be installed in accordance with all
 7-36 applicable local ordinances.

7-37 (e) Electrical work performed in an unincorporated area of
 7-38 the state must be installed in accordance with standards at least as
 7-39 stringent as the requirements of the state electrical code as
 7-40 adopted under Section 1305.101.

7-41 Sec. 1305.202. SCOPE OF MUNICIPAL OR REGIONAL LICENSE. A
 7-42 license to perform electrical work issued by a municipality or
 7-43 region is valid only in the municipality or region or in another
 7-44 municipality or region under a reciprocal agreement.

7-45 [Sections 1305.203-1305.250 reserved for expansion]

7-46 SUBCHAPTER F. LICENSE DENIAL AND DISCIPLINARY ACTIONS

7-47 Sec. 1305.251. GROUNDS FOR DENIAL OR DISCIPLINARY ACTION.
 7-48 A person is subject to denial of a license application or
 7-49 disciplinary action under Section 51.353 if the person violates:

7-50 (1) this chapter or a rule adopted under this chapter;
 7-51 or

7-52 (2) a rule or order of the executive director or
 7-53 commission.

7-54 Sec. 1305.252. REQUESTED SUSPENSION BY LOCAL GOVERNMENT. A
 7-55 municipality or region may request suspension for just cause of the
 7-56 license under this chapter of a license holder working in its
 7-57 jurisdiction.

7-58 Sec. 1305.253. HEARINGS; ADMINISTRATIVE PROCEDURE. (a) If
 7-59 the department proposes to deny a license or take disciplinary
 7-60 action against a license holder, the license holder is entitled to a
 7-61 hearing.

7-62 (b) The proceedings relating to a license denial and
 7-63 disciplinary action by the department under this chapter are
 7-64 governed by Chapter 2001, Government Code. A hearing under this
 7-65 chapter may be conducted by a hearings officer designated by the
 7-66 commission.

7-67 Sec. 1305.254. NEW APPLICATION BY HOLDER OF REVOKED
 7-68 LICENSE. A license holder whose license has been revoked may apply
 7-69 for a new license after the first anniversary of the date of the

8-1 revocation.

8-2 [Sections 1305.255-1305.300 reserved for expansion]

8-3 SUBCHAPTER G. ENFORCEMENT

8-4 Sec. 1305.301. ADMINISTRATIVE PENALTY. (a) The executive
8-5 director may impose an administrative penalty on a person under
8-6 Subchapter F, Chapter 51, regardless of whether the person holds a
8-7 license under this chapter, if the person violates:

- 8-8 (1) this chapter or a rule adopted under this chapter;
- 8-9 or
- 8-10 (2) a rule or order of the executive director or
- 8-11 commission.

8-12 (b) An administrative penalty may not be imposed unless the
8-13 person charged with a violation is provided the opportunity for a
8-14 hearing.

8-15 Sec. 1305.302. CEASE AND DESIST ORDER; INJUNCTION; CIVIL
8-16 PENALTY. (a) The executive director may issue a cease and desist
8-17 order as necessary to enforce this chapter if the executive
8-18 director determines that the action is necessary to prevent a
8-19 violation of this chapter and to protect public health and safety.

8-20 (b) The attorney general or executive director may
8-21 institute an action for an injunction or a civil penalty under this
8-22 chapter as provided by Section 51.352.

8-23 Sec. 1305.303. CRIMINAL PENALTY. (a) A person subject to
8-24 this chapter commits an offense if the person:

- 8-25 (1) violates the licensing requirements of this
- 8-26 chapter;
- 8-27 (2) performs electrical work without a license to
- 8-28 perform electrical work in this state; or
- 8-29 (3) employs an individual who does not hold the
- 8-30 appropriate license required by this chapter.

8-31 (b) An offense under this section is a Class C misdemeanor.

8-32 SECTION 2. (a) Except as otherwise provided by this
8-33 section, this Act takes effect September 1, 2003.

8-34 (b) Sections 1305.151 and 1305.303, Occupations Code, as
8-35 added by this Act, take effect September 1, 2004.

8-36 (c) In making the initial appointments to the Electrical
8-37 Safety and Licensing Advisory Board, the presiding officer of the
8-38 Texas Commission of Licensing and Regulation shall appoint:

- 8-39 (1) three members for terms expiring February 1, 2005;
- 8-40 (2) three members for terms expiring February 1, 2007;
- 8-41 and
- 8-42 (3) three members for terms expiring February 1, 2009.

8-43 (d) The executive director of the Texas Department of
8-44 Licensing and Regulation and the Texas Commission of Licensing and
8-45 Regulation, as appropriate, shall:

- 8-46 (1) adopt rules under Chapter 1305, Occupations Code,
- 8-47 as added by this Act, relating to an original application for a
- 8-48 license under that chapter not later than March 1, 2004; and
- 8-49 (2) adopt rules under Chapter 1305, Occupations Code,
- 8-50 as added by this Act, relating to renewal of a license and
- 8-51 continuing education requirements not later than January 1, 2005.

8-52 SECTION 3. (a) The Texas Department of Licensing and
8-53 Regulation shall issue a license to a qualified applicant under
8-54 this section who:

- 8-55 (1) applies for a license under this section not later
- 8-56 than June 1, 2004;
- 8-57 (2) submits to the department the information required
- 8-58 by rule;
- 8-59 (3) has the experience required by this section; and
- 8-60 (4) pays the application fee.

8-61 (b) An applicant for a license under this section as a
8-62 master electrician who works in an area in which a municipal or
8-63 regional licensing program exists is required to have:

- 8-64 (1) completed at least 12,000 hours of on-the-job
- 8-65 training under the supervision of a master electrician; and
- 8-66 (2) held a municipal or regional master electrician
- 8-67 license for at least one year.

8-68 (c) An applicant for a license under this section as a
8-69 master electrician working in an area in which a municipal or

9-1 regional licensing program does not exist is required to have
9-2 completed at least 20,000 hours of on-the-job training under the
9-3 supervision of a master electrician.

9-4 (d) An applicant for a license under this section as a
9-5 master sign electrician working in an area in which a municipal or
9-6 regional licensing program exists is required to have:

9-7 (1) completed at least 12,000 hours of on-the-job
9-8 training under the supervision of a master sign electrician; and

9-9 (2) held a municipal or regional master sign
9-10 electrician license for at least one year.

9-11 (e) An applicant for a license under this section as a
9-12 master sign electrician working in an area in which a municipal or
9-13 regional licensing program does not exist is required to have
9-14 completed at least 20,000 hours of on-the-job training under the
9-15 supervision of a master sign electrician.

9-16 (f) An applicant for a license under this section as a
9-17 journeyman electrician is required to have:

9-18 (1) completed at least 12,000 hours of on-the-job
9-19 training under the supervision of a master electrician;

9-20 (2) held a municipal or regional journeyman
9-21 electrician license for at least one year; or

9-22 (3) graduated from an electrical apprenticeship
9-23 program consisting of at least 576 hours of job-related education
9-24 and 8,000 hours of on-the-job training.

9-25 (g) An applicant for a license under this section as a
9-26 journeyman sign electrician is required to have:

9-27 (1) completed at least 12,000 hours of on-the-job
9-28 training under the supervision of a licensed master sign
9-29 electrician;

9-30 (2) held a municipal or regional journeyman sign
9-31 electrician license for at least one year; or

9-32 (3) graduated from an electrical sign apprenticeship
9-33 program consisting of at least 576 hours of job-related education
9-34 and 8,000 hours of on-the-job training.

9-35 (h) An applicant for a license under this section as a
9-36 residential wireman is required to have:

9-37 (1) completed at least 8,000 hours of on-the-job
9-38 training under the supervision of a licensed master electrician;

9-39 (2) held a municipal or regional residential wireman
9-40 license for at least one year; or

9-41 (3) graduated from a residential wireman
9-42 apprenticeship program consisting of at least 288 hours of
9-43 job-related education and 4,000 hours of on-the-job training.

9-44 (i) An applicant for a license under this section as a
9-45 maintenance electrician is required to have:

9-46 (1) completed at least 12,000 hours of on-the-job
9-47 training under the supervision of a master electrician;

9-48 (2) held a municipal or regional maintenance
9-49 electrician license for at least one year; or

9-50 (3) graduated from an electrical maintenance
9-51 apprenticeship program consisting of at least 576 hours of
9-52 job-related education and 8,000 hours of on-the-job training.

9-53 (j) This section expires September 1, 2005.

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