

BILL ANALYSIS

Senate Research Center

H.B. 1317
By: Driver et al. (Armbrister)
Business & Commerce
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The 78th Legislature, Regular Session, 2003, enacted H.B. 1487, creating a statewide licensing program for electricians. During the interim between legislative sessions, the House Licensing and Administrative Procedures Committee was charged by the speaker with the task of monitoring the implementation of H.B. 1487, paying particular attention to any unintended consequences. The committee made a number of recommendations for changes in the law, as did the Electrical Safety Advisory Board; this bill was written to address those recommendations.

H.B. 1317 amends the Texas Electrical Safety Act to correct unintended consequences and improve the implementation process of H.B. 1487.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 6 (Section 1305.161, Occupations Code) and SECTION 7 (Section 1305.1615, Occupations Code) of this bill.

Rulemaking authority previously granted to the executive director of the Texas Commission of Licensing and Regulation is modified in SECTION 8 (Section 1305.168, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1305.002, Occupations Code, by adding Subdivisions (1-a) and (12-a), to define "agricultural use" and "person."

SECTION 2. Amends Section 1305.003, Occupations Code, by amending Subsection (a) and adding Subsections (d) and (e), as follows:

- (a) Provides that this chapter does not apply to a modified list of certain types of electrical work.
- (d) Provides that this chapter does not require a political subdivision of this state, including a school district or a municipality, to hold an electrical contractor license or an electrical sign contractor license under this chapter to be authorized to employ a person to perform electrical work for the political subdivision.
- (e) Provides that Subsection (d) does not exempt an employee of a political subdivision from the requirement of holding the appropriate license under this chapter to perform electrical work.

SECTION 3. Amends Section 1305.151, Occupations Code, to prohibit a person or business from performing or offering to perform electrical work unless the person or business holds an appropriate license issued or recognized under this chapter, except as provided by Section 1305.003 (Exemptions; Application of Chapter).

SECTION 4. Amends Section 1305.153, Occupations Code, as follows:

- Sec. 1305.153. New heading: MASTER ELECTRICIAN. (a) Creates this subsection from existing text. Requires an applicant for a license as a master electrician to meet

certain requirements, including to have held a journeyman electrician license for at least two years. Makes nonsubstantive changes.

(b) Sets forth duties a master electrician is allowed to perform.

SECTION 5. Amends Section 1305.106(b), Occupations Code, to make a nonsubstantive change.

SECTION 6. Amends Section 1305.161, Occupations Code, as follows:

Sec. 1305.161. New heading: APPRENTICE; TEMPORARY APPRENTICE. (a) Creates subsection from existing text. Makes a conforming change.

(b) Requires an applicant for a license as an electrical sign apprentice to be at least 18 years of age and be engaged in the process of learning and assisting in the performance of electrical sign work under the supervision of a licensed master sign electrician.

(c) Requires the executive director of the Texas Department of Licensing and Regulation (executive director), on the request of an applicant for an apprentice license, to issue a temporary apprentice license that expires on the 21st day after the date of issuance to an applicant who meets the qualifications established by the executive director.

(d) Requires the Texas Commission of Licensing and Regulation (commission), by rule, to set the fee, establish the qualifications, and to provide for the issuance of a temporary apprentice license under this section.

SECTION 7. Amends Subchapter D, Chapter 1305, Occupations Code, by adding Sections 1305.1615 and 1305.1616, as follows:

Sec. 1305.1615. EMERGENCY ELECTRICIAN LICENSE. (a) Requires the commission, by rule, to establish criteria and procedures for the issuance of an emergency electrician license following a disaster, as that term is defined by Section 418.004 (Definitions), Government Code, to a person licensed as an electrician in another state of the United States.

(b) Provides that an emergency license issued under this section expires on the 90th day after the date of issuance.

(c) Authorizes the commission, with the advice of the Electrical Safety and Licensing Advisory Board, to adopt rules that provide for the extension of an emergency license issued under this section.

Sec. 1305.1616. CERTAIN APPLICANTS WHO ARE VETERANS. (a) Requires the Texas Department of Licensing and Regulation (TDLR) to issue a license without examination to an individual who meets certain requirements.

(b) Provides that this section expires January 1, 2007.

SECTION 8. Amends Section 1305.168(c), Occupations Code, to require the executive director, by rule, to approve online continuing education courses.

SECTION 9. Amends Section 1305.202, Occupations Code, as follows:

Sec. 1305.202. SCOPE OF MUNICIPAL OR REGIONAL LICENSE. (a) Creates this subsection from existing text.

(b) Authorizes a person who holds a license to perform electrical work or electrical sign work issued by a municipality or region that elects to discontinue issuing or renewing licenses to apply for an equivalent license under this chapter

without complying with the applicable examination requirement if the person meets certain requirements.

SECTION 10. Amends Section 3(k), Chapter 1062, Acts of the 78th Legislature, Regular Session, 2003, to provide that the subsection expires December 31, 2005, rather than September 1, 2005.

SECTION 11. Repealer: Section 1305.167(d) (relating to the renewal of a license that has been expired for 90 days or less), Occupations Code.

SECTION 12. (a) Requires an applicant for a license, notwithstanding Section 3(a)(1), Chapter 1062, Acts of the 78th Legislature, Regular Session, 2003, to apply not later than December 31, 2005, and meet the requirements under that section not later than December 31, 2005.

(b) For purposes of the issuance of a license under Section 3, Chapter 1062, Acts of the 78th Legislature, Regular Session, 2003, the executive director of the TDLR is required to accept alternative documentation of on-the-job experience approved by TDLR if the license applicant is applying for a license in an area in which a municipal or regional licensing program does not exist and is unable to provide proof of on-the-job training certified by a master electrician or master sign electrician, as appropriate and a person applying for a license in an area in which a municipal or regional licensing program exists is eligible only for an equivalent license issued by TDLR.

(c) Requires TDLR to provide notice of the period extended as provided by this section in which an applicant is authorized to apply for a license under Section 3, Chapter 1062, Acts of the 78th Legislature, Regular Session, 2003, to all municipal and regional licensing programs in this state, all counties in this state, and all businesses in this state that sell electrical supplies and equipment.

(d) Requires TDLR, in the notice required under Subsection (c)(1) of this section, to request that the municipal or regional licensing program provide notice of the extended application period to all persons holding electrical licenses issued by that program.

SECTION 13. Effective date: upon passage or September 1, 2005.