

BILL ANALYSIS

C.S.H.B. 1317
By: Driver
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 78th Texas Legislature 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.

C.S.H.B. 1317 would amend the Texas Electrical Safety Act to correct unintended consequences and improve the implementation processes.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 6 (Section 1305.161, Occupations Code), SECTION 7 (Sec. 1305.1615, Occupations Code), and SECTION 8 (Section 1305.168 (c), Occupations Code) of this bill.

ANALYSIS

The bill amends Chapter 1305, Occupations Code. Definitions are added for "agricultural use" and "person."

Sec. 1305.003 is amended to allow for the following exceptions: the installation of equipment on a mobile home or recreational vehicle; certain work by an affiliated power generation company located in a building or outdoors on property owned or leased exclusively by an affiliated power generation company; certain work involved in the manufacture of electrical equipment; certain work performed by certain persons at a chemical plant, petrochemical plant, refinery, natural gas plant, natural gas treating plant, pipeline, or oil and gas exploration and production operation; work performed by an on-site sewage facility installer licensed by the Texas Commission on Environmental Quality; electrical work on a building, structure or equipment in agricultural use; work on well pumps and equipment licensed under Chapter 1902 of the code; certain electrical work required for on-site assembly of manufactured housing or modular housing by a licensed installer; a political subdivisions, including a school district or a municipality, is exempted from the requirement to hold an electrical contractor or an electrical sign contractor license, however an employee of the subdivision is not exempted.

Section 1305.151 is amended to provide that a person may not offer to perform electrical work unless the person holds an appropriate license.

Section 1305.153 is amended by adding a new subsection (b) to specify what a master electrician may do.

The bill, as substituted, limits a person who holds a master sign electrician license to be assigned to a single sign contractor.

Section 1305.161 is amended to provide minimum qualifications to apply for an apprentice license and provides for a temporary electrical apprentice license.

Section 1305.1615 is added to permit the executive director of the agency to establish criteria and procedures to issue an emergency electrician license following a disaster.

Section 1305.1616 is added to require the department to issue a license without examination to a person who was on active duty in the U.S. armed forces between March 1, 2004, and June 1, 2004, has the required experience, submits an application, and pays the application fee by January 1, 2007.

The substitute amends Section 1305.168(c) to require the executive director by rule to approve online continuing education courses.

A new Section 1305.202(b) is added to provide a grandfathering period for a person who holds a municipal or regional license if the entity discontinues its licensing program. Provides for an applicant for a "grandfathered" license to apply not later than December 31, 2005.

The substitute repeals Section 1305.167(d) which provided for eligibility or ineligibility to renew a license that has expired. Requires the executive director of TDLR to accept alternative documentation of required on-the-job experience in certain circumstances. Requires TDLR to provide notice of the grandfathering period to all municipal and regional licensing programs, all counties, and all business that sell electrical supplies and equipment; requires that municipal and regional programs be requested to provide notice to all persons holding electrical licenses issued by that program.

EFFECTIVE DATE

Immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1317 modifies the bill by adding language providing that this chapter does not apply to: a mobile home; equipment under the control of an affiliated power generation company in a certain location; certain work involved in the manufacture of electrical equipment; work performed at a chemical plant, petrochemical plant refinery, natural gas plant or natural gas treatment plant by certain persons; or required for the assembly of certain manufactured housing or modular housing units.

The substitute modifies the bill by adding new language providing an exemption for political subdivisions from holding an electrical contractor or sign contractor license but provides that employees of political subdivisions are not exempt for licensing.

The substitute modifies the bill by providing that a person is prohibited from offering to perform electrical work unless the person is licensed.

The substitute modifies the bill by removing the provision that a master sign electrician may perform work performed by an electrical sign contractor and verify compliance with on-the-job training requirements for issuance of a master electrician license; adds a provision that master electrician may verify compliance with on-the-job training requirements for issuance of a journeyman sign electrician license.

C.S.H.B. 1317 modifies the bill by adding a requirement that an applicant for a license as an electrical sign apprentice must be at least 18 years of age.

The substitute modifies the bill by requiring that the department issue a temporary apprentice license that expires in 21 days, rather than 45 days, after issuance.

C.S.H.B. 1317 modifies the bill by adding new language that provides for issuance of a license without examination to a qualified applicant who was on active duty in the U.S. armed forces between March 1, 2004, and June 1, 2004, and applies before January 1, 2007.

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The substitute modifies the bill by adding new language requiring that the executive director approve online continuing education courses, rather than requiring the department to provide online continuing education courses through its website.

The substitute adds language to the bill authorizing a person who holds a license to perform electrical sign work in a municipality or region that discontinues issuing or renewing licenses to apply for a equivalent license.

C.S.H.B. 1317 modifies the bill by providing that the grandfathering provisions expire on December 31, 2005, rather than September 1, 2005.

The substitute modifies the bill by removing the requirement that the department shall publish notice in newspapers and adds a requirement that the department provide notice to all municipal and regional licensing programs, all counties, and all businesses that sell electrical supplies and equipment in the state, and the municipal and regional licensing programs must be asked to provide notice to all persons holding electrical licenses issued by the program.