

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 Subdivisions (1-a) and (12-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.

(12-a) "Person" means an individual.

SECTION 2. Section 1305.003, Occupations Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) 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;

1 (4) the installation, maintenance, alteration, or
2 repair of communications equipment provided by a
3 telecommunications provider;

4 (5) the installation, maintenance, alteration, or
5 repair of electrical equipment under the exclusive control of an
6 electric utility, power generation company as defined by Sections
7 31.002(1) and (10), Utilities Code, electric cooperative, or
8 municipally owned utility and used for communications or metering,
9 or for the generation, control, transformation, transmission, and
10 distribution of electrical energy, and located:

11 (A) in a building used exclusively by a utility
12 or power generation company for those purposes;

13 (B) outdoors on property owned or leased by the
14 utility or power generation company;

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

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

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

22 (7) work involved in the manufacture of electrical
23 equipment that includes the on-site and off-site manufacturing,
24 commissioning, testing, calibrating, coordinating,
25 troubleshooting, or evaluating of electrical equipment, the
26 repairing or retrofitting of electrical equipment with components
27 of the same ampacity, and the maintenance and servicing of

1 electrical equipment within the equipment's enclosure that is
2 performed by an authorized employee of an electrical equipment
3 manufacturer and limited to the type of products manufactured by
4 the manufacturer;

5 (8) electrical [~~maintenance~~] work if:

6 (A) the work is performed by a person who does not
7 engage in electrical work for the public [~~regularly employed as a~~
8 ~~maintenance person at the building or premises~~];

9 (B) the work is performed by a person regularly
10 employed as a maintenance person or maintenance electrician for a
11 [~~in conjunction with the~~] business [~~in which the person is~~
12 ~~employed~~]; and

13 (C) the [~~person does not engage in~~] electrical
14 work does not involve the installation of electrical equipment
15 during new construction as defined by rules adopted under Chapter
16 151, Tax Code [~~for the public~~];

17 (9) the installation, maintenance, alteration, or
18 repair of electrical equipment or associated wiring under the
19 exclusive control of a gas utility and used for communications or
20 metering or for the control, transmission, or distribution of
21 natural gas;

22 (10) thoroughfare lighting, traffic signals,
23 intelligent transportation systems, and telecommunications
24 controlled by a governmental entity;

25 (11) electrical connections supplying heating,
26 ventilation, and cooling and refrigeration equipment, including
27 any required disconnect exclusively for the equipment, if the

1 service is performed by a licensed air conditioning and
2 refrigeration contractor under Chapter 1302;

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

8 (13) landscape irrigation installers, as necessary to
9 perform the installation and maintenance of irrigation control
10 systems, and landscapers, as necessary to perform the installation
11 and maintenance of low-voltage exterior lighting and holiday
12 lighting excluding any required power source;

13 (14) ~~[a person who is employed by and performs]~~
14 electrical work performed at ~~[solely for]~~ a ~~[private industrial]~~
15 business~~[, including a business]~~ that operates:

16 (A) a chemical plant, petrochemical plant,
17 refinery, natural gas plant, natural gas treating plant, pipeline,
18 or oil and gas exploration and production operation by a person who
19 works solely for and is employed by that business; or

20 (B) a chemical plant, petrochemical plant
21 refinery, natural gas plant, or natural gas treatment plant by a
22 person who under a contract of at least 12 months' duration performs
23 electrical work for that plant and:

24 (i) the electrical work is not performed
25 during new construction as defined by rules adopted under Chapter
26 151, Tax Code; or

27 (ii) the person is not working for a

1 contractor that has a principal place of business in another state
2 or territory of the United States or a foreign country;

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

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

11 (17) the location, design, construction, extension,
12 maintenance, and installation of on-site sewage disposal systems in
13 accordance with Chapter 366, Health and Safety Code, or an on-site
14 sewage facility installer licensed under Chapter 37, Water Code;

15 (18) electrical work performed on a building,
16 structure, or equipment in agricultural use;

17 (19) the installation, maintenance, alteration, or
18 repair of well pumps and equipment in accordance with Chapter 1902;
19 and

20 (20) electrical work required for the construction and
21 assembly of HUD-code manufactured housing or modular housing and
22 building units, other than the installation of service entrance
23 conductors, that is performed by a licensed manufacturer or
24 installer under Chapter 1201 or 1202, as applicable, if work
25 performed is within the scope of the license as defined by
26 applicable statutes and administrative rules.

27 (d) This chapter does not require a political subdivision of

1 this state, including a school district or a municipality, to hold
2 an electrical contractor license or an electrical sign contractor
3 license under this chapter to be authorized to employ a person to
4 perform electrical work for the political subdivision.

5 (e) Subsection (d) does not exempt an employee of a
6 political subdivision from the requirement of holding the
7 appropriate license under this chapter to perform electrical work.

8 SECTION 3. Section 1305.151, Occupations Code, is amended
9 to read as follows:

10 Sec. 1305.151. LICENSE REQUIRED. Except as provided by
11 Section 1305.003, a person or business may not perform or offer to
12 perform electrical work unless the person or business holds an
13 appropriate license issued or recognized under this chapter.

14 SECTION 4. Section 1305.153, Occupations Code, is amended
15 to read as follows:

16 Sec. 1305.153. [~~REQUIREMENTS FOR~~] MASTER ELECTRICIAN. (a)
17 An applicant for a license as a master electrician must:

18 (1) have at least 12,000 hours of on-the-job training
19 under the supervision of a master electrician; [~~and~~]

20 (2) have held a journeyman electrician license for at
21 least two years; and

22 (3) pass a master electrician examination
23 administered under this chapter.

24 (b) A master electrician may:

25 (1) perform all electrical work, including electrical
26 work performed by a master sign electrician;

27 (2) supervise an electrician;

1 (3) verify compliance with on-the-job training
2 requirements for issuance of a master electrician license, master
3 sign electrician license, journeyman electrician license, or
4 journeyman sign electrician license; and

5 (4) serve as master of record for an electrical sign
6 contractor.

7 SECTION 5. Section 1305.160(b), Occupations Code, is
8 amended to read as follows:

9 (b) A person who holds a master sign electrician license
10 issued or recognized under this chapter may only be assigned to a
11 single electrical sign contractor, unless the master sign
12 electrician owns more than 50 percent of the electrical sign
13 contracting business.

14 SECTION 6. Section 1305.161, Occupations Code, is amended
15 to read as follows:

16 Sec. 1305.161. [~~ELECTRICAL~~] APPRENTICE; TEMPORARY
17 APPRENTICE. (a) Except as provided by Subsection (b), an [An]
18 applicant for a license as an electrical apprentice must be at least
19 16 years of age and be engaged in the process of learning and
20 assisting in the installation of electrical work under the
21 supervision of a licensed master electrician.

22 (b) An applicant for a license as an electrical sign
23 apprentice must be at least 18 years of age and be engaged in the
24 process of learning and assisting in the performance of electrical
25 sign work under the supervision of a licensed master sign
26 electrician.

27 (c) On the request of an applicant for an apprentice

1 license, the executive director shall issue a temporary apprentice
2 license that expires on the 21st day after the date of issuance to
3 an applicant who meets the qualifications established by the
4 executive director.

5 (d) The commission by rule shall set the fee, establish the
6 qualifications, and provide for the issuance of a temporary
7 apprentice license under this section.

8 SECTION 7. Subchapter D, Chapter 1305, Occupations Code, is
9 amended by adding Sections 1305.1615 and 1305.1616 to read as
10 follows:

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

17 (b) An emergency license issued under this section expires
18 on the 90th day after the date of issuance.

19 (c) The commission, with the advice of the advisory board,
20 may adopt rules that provide for the extension of an emergency
21 license issued under this section.

22 Sec. 1305.1616. CERTAIN APPLICANTS WHO ARE VETERANS. (a)
23 The department shall issue a license without examination to an
24 individual who:

25 (1) was on active duty in the United States armed
26 forces during the period of March 1, 2004, to June 1, 2004;

27 (2) submits an application and any other information

1 required by department rule to the department not later than the
2 90th day after the date the individual is released or discharged
3 from active duty in the armed forces;

4 (3) has the experience required for a license under
5 this chapter; and

6 (4) pays the application fee.

7 (b) This section expires January 1, 2007.

8 SECTION 8. Section 1305.168(c), Occupations Code, is
9 amended to read as follows:

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

15 SECTION 9. Section 1305.202, Occupations Code, is amended
16 to read as follows:

17 Sec. 1305.202. SCOPE OF MUNICIPAL OR REGIONAL LICENSE. (a)
18 A license to perform electrical work issued by a municipality or
19 region is valid only in the municipality or region or in another
20 municipality or region under a reciprocal agreement.

21 (b) A person who holds a license to perform electrical work
22 or electrical sign work issued by a municipality or region that
23 elects to discontinue issuing or renewing licenses may apply for an
24 equivalent license under this chapter without complying with the
25 applicable examination requirement if the person:

26 (1) held the municipal or regional license for the
27 preceding year; and

1 (2) submits an application for a license under this
2 chapter within 90 days of the date the municipality or region stops
3 issuing or renewing licenses.

4 SECTION 10. Section 3(k), Chapter 1062, Acts of the 78th
5 Legislature, Regular Session, 2003, is amended to read as follows:

6 (k) This section expires December 31, 2005 [~~September 1,~~
7 ~~2005~~].

8 SECTION 11. Section 1305.167(d), Occupations Code, is
9 repealed.

10 SECTION 12. (a) Notwithstanding Section 3(a)(1), Chapter
11 1062, Acts of the 78th Legislature, Regular Session, 2003, an
12 applicant for a license under that section must apply not later than
13 December 31, 2005, and meet the requirements under that section not
14 later than December 31, 2005.

15 (b) For purposes of the issuance of a license under Section
16 3, Chapter 1062, Acts of the 78th Legislature, Regular Session,
17 2003:

18 (1) the executive director of the Texas Department of
19 Licensing and Regulation shall accept alternative documentation of
20 on-the-job electrical experience approved by the department if the
21 license applicant is applying for a license in an area in which a
22 municipal or regional licensing program does not exist and is
23 unable to provide proof of on-the-job training certified by a
24 master electrician or master sign electrician, as appropriate; and

25 (2) a person applying for a license in an area in which
26 a municipal or regional licensing program exists is eligible only
27 for an equivalent license issued by the department.

1 (c) The Texas Department of Licensing and Regulation shall
2 provide notice of the period extended as provided by this section in
3 which an applicant may apply for a license under Section 3, Chapter
4 1062, Acts of the 78th Legislature, Regular Session, 2003, to:

5 (1) all municipal and regional licensing programs in
6 this state;

7 (2) all counties in this state; and

8 (3) all businesses in this state that sell electrical
9 supplies and equipment.

10 (d) In the notice required under Subsection (c)(1) of this
11 section, the Texas Department of Licensing and Regulation shall
12 request that the municipal or regional licensing program provide
13 notice of the extended application period to all persons holding
14 electrical licenses issued by that program.

15 SECTION 13. In the event of a conflict between a provision
16 of this Act and another Act passed by the 79th Legislature, Regular
17 Session, 2005, that becomes law, this Act prevails and controls
18 regardless of the relative dates of enactment.

19 SECTION 14. This Act takes effect immediately if it
20 receives a vote of two-thirds of all the members elected to each
21 house, as provided by Section 39, Article III, Texas Constitution.
22 If this Act does not receive the vote necessary for immediate
23 effect, this Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 1317 was passed by the House on May 10, 2005, by the following vote: Yeas 138, Nays 5, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1317 on May 27, 2005, by the following vote: Yeas 133, Nays 8, 4 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1317 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor