

By: Driver, Laubenberg, Raymond, et al.

H.B. No. 1317

Substitute the following for H.B. No. 1317:

By: Homer

C.S.H.B. No. 1317

A BILL TO BE ENTITLED

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, affiliated power generation company as defined by  
7 Section 31.002, 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 affiliated power generation company for those purposes;

13 (B) outdoors on property owned or leased by the  
14 utility or affiliated 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 regularly  
7 employed as a maintenance person at the building or premises;

8 (B) the work is performed in conjunction with the  
9 business in which the person is employed; and

10 (C) the person does not engage in electrical work  
11 for the public;

12 (9) the installation, maintenance, alteration, or  
13 repair of electrical equipment or associated wiring under the  
14 exclusive control of a gas utility and used for communications or  
15 metering or for the control, transmission, or distribution of  
16 natural gas;

17 (10) thoroughfare lighting, traffic signals,  
18 intelligent transportation systems, and telecommunications  
19 controlled by a governmental entity;

20 (11) electrical connections supplying heating,  
21 ventilation, and cooling and refrigeration equipment, including  
22 any required disconnect exclusively for the equipment, if the  
23 service is performed by a licensed air conditioning and  
24 refrigeration contractor under Chapter 1302;

25 (12) the design, installation, erection, repair, or  
26 alteration of Class 1, Class 2, or Class 3 remote control,  
27 signaling, or power-limited circuits, fire alarm circuits, optical

1 fiber cables, or communications circuits, including raceways, as  
2 defined by the National Electrical Code;

3 (13) landscape irrigation installers, as necessary to  
4 perform the installation and maintenance of irrigation control  
5 systems, and landscapers, as necessary to perform the installation  
6 and maintenance of low-voltage exterior lighting and holiday  
7 lighting excluding any required power source;

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

11 (A) operates a chemical plant, petrochemical  
12 plant, refinery, natural gas plant, natural gas treating plant,  
13 pipeline, or oil and gas exploration and production operation by a  
14 person who works solely for and is employed by that business; or

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

19 (i) the electrical work is not performed  
20 during new construction as defined by rules adopted under Chapter  
21 151, Tax Code; or

22 (ii) the person is not working for a  
23 contractor that has a principal place of business in another state  
24 or territory of the United States or a foreign country;

25 (15) the installation, maintenance, alteration, or  
26 repair of elevators, escalators, or related equipment, excluding  
27 any required power source, regulated under Chapter 754, Health and

1 Safety Code;

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

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

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

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

15 (20) electrical work required for the on-site assembly  
16 of HUD-code manufactured housing or modular housing units, other  
17 than the installation of service entrance conductors, that is  
18 performed by a person licensed as an installer under Chapter 1201 or  
19 1202, as applicable, if the work performed is within the scope of  
20 the person's license as defined by applicable administrative rules.

21 (d) This chapter does not require a political subdivision of  
22 this state, including a school district or a municipality, to hold  
23 an electrical contractor license or an electrical sign contractor  
24 license under this chapter to be authorized to employ a person to  
25 perform electrical work for the political subdivision.

26 (e) Subsection (d) does not exempt an employee of a  
27 political subdivision from the requirement of holding the

1 appropriate license under this chapter to perform electrical work.

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

4 Sec. 1305.151. LICENSE REQUIRED. Except as provided by  
5 Section 1305.003, a person may not perform or offer to perform  
6 electrical work unless the person holds an appropriate license  
7 issued or recognized under this chapter.

8 SECTION 4. Section 1305.153, Occupations Code, is amended  
9 to read as follows:

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

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

14 (2) pass a master electrician examination  
15 administered under this chapter.

16 (b) A master electrician may:

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

19 (2) supervise an electrician;

20 (3) verify compliance with on-the-job training  
21 requirements for issuance of a master sign electrician license or  
22 journeyman sign electrician license; and

23 (4) serve as master of record for an electrical sign  
24 contractor.

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

27 (b) A person who holds a master sign electrician license

1 issued or recognized under this chapter may only be assigned to a  
2 single electrical sign contractor, unless the master sign  
3 electrician owns more than 50 percent of the electrical sign  
4 contracting business.

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

7 Sec. 1305.161. [~~ELECTRICAL~~] APPRENTICE; TEMPORARY  
8 APPRENTICE. (a) Except as provided by Subsection (b), an [An]  
9 applicant for a license as an electrical apprentice must be at least  
10 16 years of age and be engaged in the process of learning and  
11 assisting in the installation of electrical work under the  
12 supervision of a licensed master electrician.

13 (b) An applicant for a license as an electrical sign  
14 apprentice must be at least 18 years of age and be engaged in the  
15 process of learning and assisting in the performance of electrical  
16 sign work under the supervision of a licensed master sign  
17 electrician.

18 (c) On the request of an applicant for an apprentice  
19 license, the executive director shall issue a temporary apprentice  
20 license that expires on the 21st day after the date of issuance to  
21 an applicant who meets the qualifications established by the  
22 executive director.

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

26 SECTION 7. Subchapter D, Chapter 1305, Occupations Code, is  
27 amended by adding Sections 1305.1615 and 1305.1616 to read as

1 follows:

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

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

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

13 Sec. 1305.1616. CERTAIN APPLICANTS WHO ARE VETERANS. (a)  
14 The department shall issue a license without examination to an  
15 individual who:

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

18 (2) submits an application and any other information  
19 required by department rule to the department not later than the  
20 90th day after the date the individual is released or discharged  
21 from active duty in the armed forces;

22 (3) has the experience required for a license under  
23 this chapter; and

24 (4) pays the application fee.

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

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



1 (c) The executive director by rule shall approve continuing  
2 education courses, online continuing education courses, course  
3 content, and course providers. The commission may adopt a fee for  
4 the administration of the department's duties regarding continuing  
5 education.

6 SECTION 9. Section 1305.202, Occupations Code, is amended  
7 to read as follows:

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

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

17 (1) held the municipal or regional license for the  
18 preceding year; and

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

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

24 (k) This section expires December 31, 2005 [~~September 1,~~  
25 ~~2005~~].

26 SECTION 11. Section 1305.167(d), Occupations Code, is  
27 repealed.

1 SECTION 12. (a) Notwithstanding Section 3(a)(1), Chapter  
2 1062, Acts of the 78th Legislature, Regular Session, 2003, an  
3 applicant for a license under that section must apply not later than  
4 December 31, 2005, and meet the on-the-job training, licensing, and  
5 apprentice program requirements under that section not later than  
6 December 31, 2005.

7 (b) For purposes of the issuance of a license under Section  
8 3, Chapter 1062, Acts of the 78th Legislature, Regular Session,  
9 2003:

10 (1) the executive director of the Texas Department of  
11 Licensing and Regulation shall accept alternative documentation of  
12 on-the-job experience approved by the department if the license  
13 applicant is applying for a license in an area in which a municipal  
14 or regional licensing program does not exist and is unable to  
15 provide proof of on-the-job training certified by a master  
16 electrician or master sign electrician, as appropriate; and

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

20 (c) The Texas Department of Licensing and Regulation shall  
21 provide notice of the period extended as provided by this section in  
22 which an applicant may apply for a license under Section 3, Chapter  
23 1062, Acts of the 78th Legislature, Regular Session, 2003, to:

24 (1) all municipal and regional licensing programs in  
25 this state;

26 (2) all counties in this state; and

27 (3) all businesses in this state that sell electrical

1 supplies and equipment.

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

7 SECTION 13. This Act takes effect immediately if it  
8 receives a vote of two-thirds of all the members elected to each  
9 house, as provided by Section 39, Article III, Texas Constitution.  
10 If this Act does not receive the vote necessary for immediate  
11 effect, this Act takes effect September 1, 2005.