

By: Driver

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, electric cooperative, or municipally owned
7 utility and used for communications or metering, or for the
8 generation, control, transformation, transmission, and
9 distribution of electrical energy, and located:

10 (A) in a building used exclusively by a utility
11 for those purposes;

12 (B) outdoors on property owned or leased by the
13 utility;

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

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

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

21 (7) work involved in the manufacture of electrical
22 equipment;

23 (8) electrical maintenance work if:

24 (A) the work is performed by a person regularly
25 employed as a maintenance person at the building or premises;

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

1 (C) the person does not engage in electrical work
2 for the public;

3 (9) the installation, maintenance, alteration, or
4 repair of electrical equipment or associated wiring under the
5 exclusive control of a gas utility and used for communications or
6 metering or for the control, transmission, or distribution of
7 natural gas;

8 (10) thoroughfare lighting, traffic signals,
9 intelligent transportation systems, and telecommunications
10 controlled by a governmental entity;

11 (11) electrical connections supplying heating,
12 ventilation, and cooling and refrigeration equipment, including
13 any required disconnect exclusively for the equipment, if the
14 service is performed by a licensed air conditioning and
15 refrigeration contractor under Chapter 1302;

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

21 (13) landscape irrigation installers, as necessary to
22 perform the installation and maintenance of irrigation control
23 systems, and landscapers, as necessary to perform the installation
24 and maintenance of low-voltage exterior lighting and holiday
25 lighting excluding any required power source;

26 (14) a person who is employed by and performs
27 electrical work solely for a private industrial business[7

1 ~~including a business]~~ that operates a chemical plant, petrochemical
2 plant, refinery, natural gas plant, natural gas treating plant,
3 pipeline, or oil and gas exploration and production operation;

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

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

12 (17) the location, design, construction, extension,
13 maintenance, and installation of on-site sewage disposal systems in
14 accordance with Chapter 366, Health and Safety Code, or an on-site
15 sewage facility installer licensed by the Texas Commission on
16 Environmental Quality;

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

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

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 a license

1 under this chapter to perform electrical work.

2 SECTION 3. Section 1305.153, Occupations Code, is amended
3 to read as follows:

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

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

8 (2) pass a master electrician examination
9 administered under this chapter.

10 (b) A master electrician may:

11 (1) perform all electrical work, including electrical
12 work performed by a master sign electrician and an electrical sign
13 contractor;

14 (2) supervise an electrician;

15 (3) verify compliance with on-the-job training
16 requirements for issuance of a master electrician or master sign
17 electrician license; and

18 (4) serve as master of record for an electrical sign
19 contractor.

20 SECTION 4. Section 1305.160(b), Occupations Code, is
21 amended to read as follows:

22 (b) A person who holds a master sign electrician license
23 issued or recognized under this chapter may only be assigned to a
24 single electrical sign contractor, unless the master sign
25 electrician owns more than 50 percent of the electrical sign
26 contracting business.

27 SECTION 5. Section 1305.161, Occupations Code, is amended

1 to read as follows:

2 Sec. 1305.161. ELECTRICAL APPRENTICE; TEMPORARY ELECTRICAL
3 APPRENTICE. (a) An applicant for a license as an electrical
4 apprentice must be [~~at least 16 years of age and be~~] engaged in the
5 process of learning and assisting in the installation of electrical
6 work or electrical sign work under the supervision of a licensed
7 master electrician or a licensed master sign electrician, as
8 appropriate.

9 (b) On the request of an applicant for an electrical
10 apprentice license, the executive director shall issue a temporary
11 electrical apprentice license that expires on the 45th day after
12 the date of issuance to an applicant who meets the qualifications
13 established by the executive director.

14 (c) The executive director by rule shall set the fee,
15 establish the qualifications, and provide for the issuance of a
16 temporary electrical apprentice license under this section.

17 SECTION 6. Subchapter D, Chapter 1305, Occupations Code, is
18 amended by adding Section 1305.1615 to read as follows:

19 Sec. 1305.1615. EMERGENCY ELECTRICIAN LICENSE. (a) The
20 executive director by rule shall establish criteria and procedures
21 for the issuance of an emergency electrician license following a
22 disaster, as that term is defined by Section 418.004, Government
23 Code, to a person licensed as an electrician in another state of the
24 United States.

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

27 (c) The commission, with the advice of the advisory board,

1 may adopt rules that provide for the extension of an emergency
2 license issued under this section.

3 SECTION 7. Section 1305.168, Occupations Code, is amended
4 by adding Subsection (d) to read as follows:

5 (d) The department shall offer online continuing education
6 courses for electricians through the department's Internet
7 website.

8 SECTION 8. Section 1305.202, Occupations Code, is amended
9 to read as follows:

10 Sec. 1305.202. SCOPE OF MUNICIPAL OR REGIONAL LICENSE.

11 (a) A license to perform electrical work issued by a municipality
12 or region is valid only in the municipality or region or in another
13 municipality or region under a reciprocal agreement.

14 (b) A person who holds a license to perform electrical work
15 issued by a municipality or region that elects to discontinue its
16 licensing program may apply for an equivalent license under this
17 chapter without complying with the applicable examination
18 requirement if the person:

19 (1) held the municipal or regional license for the
20 preceding year; and

21 (2) submits an application for a license under this
22 chapter not later than the 90th day after the date the municipal or
23 regional licensing program is discontinued.

24 SECTION 9. Section 1305.167(d), Occupations Code, is
25 repealed.

26 SECTION 10. (a) The Texas Department of Licensing and
27 Regulation shall issue a license without examination to a qualified

1 applicant under this section who:

2 (1) actively served in the armed forces of the United
3 States;

4 (2) applies for a license under this section not later
5 than December 31, 2006;

6 (3) submits to the department the information required
7 by rule;

8 (4) has the experience required by this section; and

9 (5) pays the application fee.

10 (b) An applicant for a license under this section as a
11 master electrician who works in an area in which a municipal or
12 regional licensing program exists is required to have:

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

15 (2) held a municipal or regional master electrician
16 license for at least one year.

17 (c) An applicant for a license under this section as a
18 master electrician working in an area in which a municipal or
19 regional licensing program does not exist is required to have
20 completed at least 20,000 hours of on-the-job training under the
21 supervision of a master electrician.

22 (d) An applicant for a license under this section as a
23 master sign electrician working in an area in which a municipal or
24 regional licensing program exists is required to have:

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

27 (2) held a municipal or regional master sign

1 electrician license for at least one year.

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

7 (f) An applicant for a license under this section as a
8 journeyman electrician is required to have:

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

11 (2) held a municipal or regional journeyman
12 electrician license for at least one year; or

13 (3) graduated from an electrical apprenticeship
14 program consisting of at least 576 hours of job-related education
15 and 8,000 hours of on-the-job training.

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

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

21 (2) held a municipal or regional journeyman sign
22 electrician license for at least one year; or

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

26 (h) An applicant for a license under this section as a
27 residential wireman is required to have:

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

3 (2) held a municipal or regional residential wireman
4 license for at least one year; or

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

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

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

12 (2) held a municipal or regional maintenance
13 electrician license for at least one year; or

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

17 (j) On-the-job training required by this section must be
18 certified by a master electrician or master sign electrician, as
19 appropriate.

20 (k) This section expires September 1, 2007.

21 SECTION 11. (a) Notwithstanding Section 3(a)(1), Chapter
22 1062, Acts of the 78th Legislature, Regular Session, 2003, an
23 applicant for a license under that section must apply not later than
24 December 31, 2005.

25 (b) For purposes of the issuance of a license under Section
26 3, Chapter 1062, Acts of the 78th Legislature, Regular Session,
27 2003:

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

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

11 (c) The Texas Department of Licensing and Regulation shall
12 publish at least one time in newspapers of general circulation in
13 both large and small communities a notice of the extended deadlines
14 established by this Act for obtaining a license under Section 3,
15 Chapter 1062, Acts of the 78th Legislature, Regular Session, 2003,
16 as amended by this Act.

17 SECTION 12. This Act takes effect immediately if it
18 receives a vote of two-thirds of all the members elected to each
19 house, as provided by Section 39, Article III, Texas Constitution.
20 If this Act does not receive the vote necessary for immediate
21 effect, this Act takes effect September 1, 2005.