

1-1 By: Driver, et al. (Senate Sponsor - Armbrister) H.B. No. 1317  
1-2 (In the Senate - Received from the House May 11, 2005;  
1-3 May 13, 2005, read first time and referred to Committee on Business  
1-4 and Commerce; May 20, 2005, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;  
1-6 May 20, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1317 By: Lucio

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the licensing and regulation of certain electricians.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 1305.002, Occupations Code, is amended  
1-13 by adding Subdivisions (1-a) and (12-a) to read as follows:

1-14 (1-a) "Agricultural use" means a use or activity  
1-15 involving agriculture, as defined by Section 11.002, Water Code,  
1-16 other than the processing of an agricultural commodity.

1-17 (12-a) "Person" means an individual.

1-18 SECTION 2. Section 1305.003, Occupations Code, is amended  
1-19 by amending Subsection (a) and adding Subsections (d) and (e) to  
1-20 read as follows:

1-21 (a) This chapter does not apply to:

1-22 (1) the installation of electrical equipment in a  
1-23 ship, watercraft other than a floating building, railway rolling  
1-24 stock, aircraft, ~~[or a]~~ motor vehicle, ~~[other than a mobile home]~~ or  
1-25 recreational vehicle;

1-26 (2) the installation of electrical equipment  
1-27 underground in a mine and in self-propelled mobile surface mining  
1-28 machinery and its attendant electrical trailing cable;

1-29 (3) the installation of electrical equipment for  
1-30 generation, transformation, transmission, or distribution of power  
1-31 used exclusively to operate railway rolling stock or exclusively  
1-32 for signaling and communications purposes;

1-33 (4) the installation, maintenance, alteration, or  
1-34 repair of communications equipment provided by a  
1-35 telecommunications provider;

1-36 (5) the installation, maintenance, alteration, or  
1-37 repair of electrical equipment under the exclusive control of an  
1-38 electric utility, power generation company as defined by Sections  
1-39 31.002(1) and (10), Utilities Code, electric cooperative, or  
1-40 municipally owned utility and used for communications or metering,  
1-41 or for the generation, control, transformation, transmission, and  
1-42 distribution of electrical energy, and located:

1-43 (A) in a building used exclusively by a utility  
1-44 or affiliated power generation company for those purposes;

1-45 (B) outdoors on property owned or leased by the  
1-46 utility or affiliated power generation company;

1-47 (C) on public highways, streets, roads, or other  
1-48 public rights-of-way; or

1-49 (D) outdoors by established rights in vaults or  
1-50 on private property;

1-51 (6) work not specifically regulated by a municipal  
1-52 ordinance that is performed in or on a dwelling by a person who owns  
1-53 and resides in the dwelling;

1-54 (7) work involved in the manufacture of electrical  
1-55 equipment that includes the on-site and off-site manufacturing,  
1-56 commissioning, testing, calibrating, coordinating,  
1-57 troubleshooting, or evaluating of electrical equipment, the  
1-58 repairing or retrofitting of electrical equipment with components  
1-59 of the same ampacity, and the maintenance and servicing of  
1-60 electrical equipment within the equipment's enclosure that is  
1-61 performed by an authorized employee of an electrical equipment  
1-62 manufacturer and limited to the type of products manufactured by  
1-63 the manufacturer;

(8) electrical maintenance work if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(20) electrical work required for the assembly of HUD-code manufactured housing or modular housing and building units, other than the installation of service entrance conductors, that is performed by a person licensed as an installer under Chapter 1201 or 1202, as applicable, if the work performed is within the

3-1 scope of the person's license as defined by applicable  
3-2 administrative rules.

3-3 (d) This chapter does not require a political subdivision of  
3-4 this state, including a school district or a municipality, to hold  
3-5 an electrical contractor license or an electrical sign contractor  
3-6 license under this chapter to be authorized to employ a person to  
3-7 perform electrical work for the political subdivision.

3-8 (e) Subsection (d) does not exempt an employee of a  
3-9 political subdivision from the requirement of holding the  
3-10 appropriate license under this chapter to perform electrical work.

3-11 SECTION 3. Section 1305.151, Occupations Code, is amended  
3-12 to read as follows:

3-13 Sec. 1305.151. LICENSE REQUIRED. Except as provided by  
3-14 Section 1305.003, a person or business may not perform or offer to  
3-15 perform electrical work unless the person or business holds an  
3-16 appropriate license issued or recognized under this chapter.

3-17 SECTION 4. Section 1305.153, Occupations Code, is amended  
3-18 to read as follows:

3-19 Sec. 1305.153. [~~REQUIREMENTS FOR~~] MASTER ELECTRICIAN. (a)  
3-20 An applicant for a license as a master electrician must:

3-21 (1) have at least 12,000 hours of on-the-job training  
3-22 under the supervision of a master electrician; [~~and~~]

3-23 (2) have held a journeyman electrician license for at  
3-24 least two years; and

3-25 (3) pass a master electrician examination  
3-26 administered under this chapter.

3-27 (b) A master electrician may:

3-28 (1) perform all electrical work, including electrical  
3-29 work performed by a master sign electrician;

3-30 (2) supervise an electrician;

3-31 (3) verify compliance with on-the-job training  
3-32 requirements for issuance of a master electrician license, master  
3-33 sign electrician license, journeyman electrician license, or  
3-34 journeyman sign electrician license; and

3-35 (4) serve as master of record for an electrical sign  
3-36 contractor.

3-37 SECTION 5. Section 1305.160(b), Occupations Code, is  
3-38 amended to read as follows:

3-39 (b) A person who holds a master sign electrician license  
3-40 issued or recognized under this chapter may only be assigned to a  
3-41 single electrical sign contractor, unless the master sign  
3-42 electrician owns more than 50 percent of the electrical sign  
3-43 contracting business.

3-44 SECTION 6. Section 1305.161, Occupations Code, is amended  
3-45 to read as follows:

3-46 Sec. 1305.161. [~~ELECTRICAL~~] APPRENTICE; TEMPORARY  
3-47 APPRENTICE. (a) Except as provided by Subsection (b), an [An]  
3-48 applicant for a license as an electrical apprentice must be at least  
3-49 16 years of age and be engaged in the process of learning and  
3-50 assisting in the installation of electrical work under the  
3-51 supervision of a licensed master electrician.

3-52 (b) An applicant for a license as an electrical sign  
3-53 apprentice must be at least 18 years of age and be engaged in the  
3-54 process of learning and assisting in the performance of electrical  
3-55 sign work under the supervision of a licensed master sign  
3-56 electrician.

3-57 (c) On the request of an applicant for an apprentice  
3-58 license, the executive director shall issue a temporary apprentice  
3-59 license that expires on the 21st day after the date of issuance to  
3-60 an applicant who meets the qualifications established by the  
3-61 executive director.

3-62 (d) The commission by rule shall set the fee, establish the  
3-63 qualifications, and provide for the issuance of a temporary  
3-64 apprentice license under this section.

3-65 SECTION 7. Subchapter D, Chapter 1305, Occupations Code, is  
3-66 amended by adding Sections 1305.1615 and 1305.1616 to read as  
3-67 follows:

3-68 Sec. 1305.1615. EMERGENCY ELECTRICIAN LICENSE. (a) The  
3-69 commission by rule shall establish criteria and procedures for the

4-1 issuance of an emergency electrician license following a disaster,  
4-2 as that term is defined by Section 418.004, Government Code, to a  
4-3 person licensed as an electrician in another state of the United  
4-4 States.

4-5 (b) An emergency license issued under this section expires  
4-6 on the 90th day after the date of issuance.

4-7 (c) The commission, with the advice of the advisory board,  
4-8 may adopt rules that provide for the extension of an emergency  
4-9 license issued under this section.

4-10 Sec. 1305.1616. CERTAIN APPLICANTS WHO ARE VETERANS. (a)  
4-11 The department shall issue a license without examination to an  
4-12 individual who:

4-13 (1) was on active duty in the United States armed  
4-14 forces during the period of March 1, 2004, to June 1, 2004;

4-15 (2) submits an application and any other information  
4-16 required by department rule to the department not later than the  
4-17 90th day after the date the individual is released or discharged  
4-18 from active duty in the armed forces;

4-19 (3) has the experience required for a license under  
4-20 this chapter; and

4-21 (4) pays the application fee.

4-22 (b) This section expires January 1, 2007.

4-23 SECTION 8. Section 1305.168(c), Occupations Code, is  
4-24 amended to read as follows:

4-25 (c) The executive director by rule shall approve continuing  
4-26 education courses, online continuing education courses, course  
4-27 content, and course providers. The commission may adopt a fee for  
4-28 the administration of the department's duties regarding continuing  
4-29 education.

4-30 SECTION 9. Section 1305.202, Occupations Code, is amended  
4-31 to read as follows:

4-32 Sec. 1305.202. SCOPE OF MUNICIPAL OR REGIONAL LICENSE. (a)  
4-33 A license to perform electrical work issued by a municipality or  
4-34 region is valid only in the municipality or region or in another  
4-35 municipality or region under a reciprocal agreement.

4-36 (b) A person who holds a license to perform electrical work  
4-37 or electrical sign work issued by a municipality or region that  
4-38 elects to discontinue issuing or renewing licenses may apply for an  
4-39 equivalent license under this chapter without complying with the  
4-40 applicable examination requirement if the person:

4-41 (1) held the municipal or regional license for the  
4-42 preceding year; and

4-43 (2) submits an application for a license under this  
4-44 chapter within 90 days of the date the municipality or region stops  
4-45 issuing or renewing licenses.

4-46 SECTION 10. Section 3(k), Chapter 1062, Acts of the 78th  
4-47 Legislature, Regular Session, 2003, is amended to read as follows:

4-48 (k) This section expires December 31, 2005 [~~September 1,~~  
4-49 2005].

4-50 SECTION 11. Section 1305.167(d), Occupations Code, is  
4-51 repealed.

4-52 SECTION 12. (a) Notwithstanding Section 3(a)(1), Chapter  
4-53 1062, Acts of the 78th Legislature, Regular Session, 2003, an  
4-54 applicant for a license under that section must apply not later than  
4-55 December 31, 2005, and meet the requirements under that section not  
4-56 later than December 31, 2005.

4-57 (b) For purposes of the issuance of a license under Section  
4-58 3, Chapter 1062, Acts of the 78th Legislature, Regular Session,  
4-59 2003:

4-60 (1) the executive director of the Texas Department of  
4-61 Licensing and Regulation shall accept alternative documentation of  
4-62 on-the-job experience approved by the department if the license  
4-63 applicant is applying for a license in an area in which a municipal  
4-64 or regional licensing program does not exist and is unable to  
4-65 provide proof of on-the-job training certified by a master  
4-66 electrician or master sign electrician, as appropriate; and

4-67 (2) a person applying for a license in an area in which  
4-68 a municipal or regional licensing program exists is eligible only  
4-69 for an equivalent license issued by the department.

5-1 (c) The Texas Department of Licensing and Regulation shall  
5-2 provide notice of the period extended as provided by this section in  
5-3 which an applicant may apply for a license under Section 3, Chapter  
5-4 1062, Acts of the 78th Legislature, Regular Session, 2003, to:

- 5-5 (1) all municipal and regional licensing programs in
- 5-6 this state;
- 5-7 (2) all counties in this state; and
- 5-8 (3) all businesses in this state that sell electrical
- 5-9 supplies and equipment.

5-10 (d) In the notice required under Subsection (c)(1) of this  
5-11 section, the Texas Department of Licensing and Regulation shall  
5-12 request that the municipal or regional licensing program provide  
5-13 notice of the extended application period to all persons holding  
5-14 electrical licenses issued by that program.

5-15 SECTION 13. This Act takes effect immediately if it  
5-16 receives a vote of two-thirds of all the members elected to each  
5-17 house, as provided by Section 39, Article III, Texas Constitution.  
5-18 If this Act does not receive the vote necessary for immediate  
5-19 effect, this Act takes effect September 1, 2005.

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