

By: Noriega

H.B. No. 2292

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to an exemption from the electrician licensing requirement  
3 for the installation or repair of an appliance by an appliance  
4 dealer or manufacturer.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 1305.003(a), Occupations Code, is  
7 amended to read as follows:

8 (a) This chapter does not apply to:

9 (1) the installation of electrical equipment in a  
10 ship, watercraft other than a floating building, railway rolling  
11 stock, aircraft, motor vehicle, or recreational vehicle;

12 (2) the installation of electrical equipment  
13 underground in a mine and in self-propelled mobile surface mining  
14 machinery and its attendant electrical trailing cable;

15 (3) the installation of electrical equipment for  
16 generation, transformation, transmission, or distribution of power  
17 used exclusively to operate railway rolling stock or exclusively  
18 for signaling and communications purposes;

19 (4) the installation, maintenance, alteration, or  
20 repair of communications equipment provided by a  
21 telecommunications provider;

22 (5) the installation, maintenance, alteration, or  
23 repair of electrical equipment under the exclusive control of an  
24 electric utility, power generation company as defined by Sections

1 31.002(1) and (10), Utilities Code, electric cooperative, or  
2 municipally owned utility and used for communications or metering,  
3 or for the generation, control, transformation, transmission, and  
4 distribution of electrical energy, and located:

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

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

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

11 (D) outdoors by established rights in vaults or  
12 on private property;

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

16 (7) work involved in the manufacture of electrical  
17 equipment that includes the on-site and off-site manufacturing,  
18 commissioning, testing, calibrating, coordinating,  
19 troubleshooting, or evaluating of electrical equipment, the  
20 repairing or retrofitting of electrical equipment with components  
21 of the same ampacity, and the maintenance and servicing of  
22 electrical equipment within the equipment's enclosure that is  
23 performed by an authorized employee of an electrical equipment  
24 manufacturer and limited to the type of products manufactured by  
25 the manufacturer;

26 (8) electrical work if:

27 (A) the work is performed by a person who does not

1 engage in electrical work for the public;

2 (B) the work is performed by a person regularly  
3 employed as a maintenance person or maintenance electrician for a  
4 business; and

5 (C) the electrical work does not involve the  
6 installation of electrical equipment during new construction as  
7 defined by rules adopted under Chapter 151, Tax Code;

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

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

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

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

26 (13) landscape irrigation installers, as necessary to  
27 perform the installation and maintenance of irrigation control

1 systems, and landscapers, as necessary to perform the installation  
2 and maintenance of low-voltage exterior lighting and holiday  
3 lighting excluding any required power source;

4 (14) electrical work performed at a business that  
5 operates:

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

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

14 (i) the electrical work is not performed  
15 during new construction as defined by rules adopted under Chapter  
16 151, Tax Code; or

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

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

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

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

5           (18) electrical work performed on a building,  
6 structure, or equipment in agricultural use as defined by Section  
7 11.002, Water Code, other than the processing of an agricultural  
8 commodity;

9           (19) the installation, maintenance, alteration, or  
10 repair of well pumps and equipment in accordance with Chapter 1902;  
11 [~~and~~]

12           (20) electrical work required for the construction and  
13 assembly of HUD-code manufactured housing or modular housing and  
14 building units, other than the installation of service entrance  
15 conductors, that is performed by a licensed manufacturer or  
16 installer under Chapter 1201 or 1202, as applicable, if work  
17 performed is within the scope of the license as defined by  
18 applicable statutes and administrative rules;

19           (21) the installation of an appliance by an appliance  
20 dealer or manufacturer, other than the installation of an appliance  
21 during new construction as defined by rules adopted under Chapter  
22 151, Tax Code; and

23           (22) the maintenance, alteration, or repair of an  
24 appliance by an appliance dealer or manufacturer or person  
25 authorized by the manufacturer using only components of the same  
26 type and ampacity as the original components.

27           SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2007.