

By: Goolsby

H.B. No. 3069

Substitute the following for H.B. No. 3069:

By: Jones

C.S.H.B. No. 3069

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of residential appliance installers and residential appliance installation contractors.

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

SECTION 1. Section 1305.002, Occupations Code, is amended by amending Subdivision (12-a) and adding Subdivisions (12-b), (12-c), (12-d), and (12-e) to read as follows:

(12-a) "Residential appliance" means equipment that:

(A) is installed as a unit in a single-family or multifamily dwelling that does not exceed four stories;

(B) is directly connected to an electrical circuit; and

(C) performs a specific function [~~"Person" means an individual~~].

(12-b) "Residential appliance installation" means electrical work that is limited to the connection or disconnection of a residential appliance to an existing electrical circuit other than by inserting or removing a plug from an electrical outlet.

(12-c) "Residential appliance installation contracting" means the business of residential appliance installation.

(12-d) "Residential appliance installation contractor" means a business entity, other than an electrical contractor or electrical sign contractor, that is engaged in

1 residential appliance installation contracting.

2 (12-e) "Residential appliance installer" means a
3 person, other than a licensed electrician, who is licensed to
4 perform residential appliance installation.

5 SECTION 2. Section 1305.003(a), Occupations Code, is
6 amended to read as follows:

7 (a) This chapter does not apply to:

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

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

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

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

21 (5) the installation, maintenance, alteration, or
22 repair of electrical equipment under the exclusive control of an
23 electric utility, power generation company as defined by Sections
24 31.002(1) and (10), Utilities Code, electric cooperative, or
25 municipally owned utility and used for communications or metering,
26 or for the generation, control, transformation, transmission, and
27 distribution of electrical energy, and located:

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

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

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

7 (D) outdoors by established rights in vaults or
8 on private property;

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

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

22 (8) electrical work if:

23 (A) the work is performed by a person who does not
24 engage in electrical work for the public;

25 (B) the work is performed by a person regularly
26 employed as a maintenance person or maintenance electrician for a
27 business; and

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

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

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

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

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

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

27 (14) electrical work performed at 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;

(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;

1 (18) electrical work performed on a building,
2 structure, or equipment in agricultural use as defined by Section
3 11.002, Water Code, other than the processing of an agricultural
4 commodity;

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

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

15 (21) the maintenance or repair of a residential
16 appliance by a residential appliance dealer or manufacturer or a
17 person authorized by a residential appliance dealer or manufacturer
18 using only components of the same type and ampacity as the original
19 components.

20 SECTION 3. Section 1305.102(a), Occupations Code, is
21 amended to read as follows:

22 (a) The executive director shall adopt rules for the
23 licensing of electricians, sign electricians, electrical sign
24 contractors, ~~[and]~~ electrical contractors, residential appliance
25 installers, and residential appliance installation contractors as
26 prescribed by this chapter.

27 SECTION 4. Section 1305.151, Occupations Code, is amended

to read as follows:

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

SECTION 5. Subchapter D, Chapter 1305, Occupations Code, is amended by adding Sections 1305.1617 and 1305.1618 to read as follows:

Sec. 1305.1617. RESIDENTIAL APPLIANCE INSTALLER. An applicant for a license as a residential appliance installer must pass a residential appliance installer examination administered under this chapter.

Sec. 1305.1618. RESIDENTIAL APPLIANCE INSTALLATION CONTRACTOR. (a) An applicant for a license as a residential appliance installation contractor must:

(1) be licensed under this chapter as a residential appliance installer or employ a person licensed under this chapter as a residential appliance installer;

(2) establish proof of financial responsibility in the manner prescribed by the executive director; and

(3) maintain workers' compensation coverage for the contractor's employees through an insurance company authorized to engage in the business of insurance in this state or through self-insurance, or elect not to obtain workers' compensation coverage, as provided by Subchapter A, Chapter 406, Labor Code.

(b) A person who holds a residential appliance installer's

1 license issued or recognized under this chapter may only be
2 assigned to a single residential appliance installation
3 contractor, unless the residential appliance installer owns more
4 than 50 percent of the residential appliance installation
5 contracting business.

6 SECTION 6. Section 1305.166(a), Occupations Code, is
7 amended to read as follows:

8 (a) An electrical contractor, ~~and~~ electrical sign
9 contractor, and residential appliance installation contractor
10 shall display the contractor's business name and the number of the
11 license issued by the executive director on each vehicle owned by
12 the contractor.

13 SECTION 7. Section 1305.201(a), Occupations Code, is
14 amended to read as follows:

15 (a) This chapter does not prohibit a municipality or region
16 from regulating electricians or residential appliance installers
17 by:

18 (1) enacting an ordinance requiring inspections;
19 (2) offering examinations;
20 (3) issuing municipal or regional licenses; or
21 (4) collecting permit fees for municipal or regional
22 licenses and examinations from electricians and residential
23 appliance installers for work performed in the municipality or
24 region.

25 SECTION 8. (a) The Texas Department of Licensing and
26 Regulation shall issue a residential appliance installer license
27 without examination to a qualified applicant under this section

1 who:

2 (1) applies for a license under this section not later
3 than June 1, 2008;

4 (2) submits to the department information required by
5 rules adopted under this section;

6 (3) meets the experience requirement in Subsection (b)
7 of this section; and

8 (4) pays the application fee.

9 (b) An applicant for a license under this section is
10 required to have completed at least 4,000 hours of electrical work
11 or residential appliance installation under the supervision of a
12 master electrician or an owner or supervisor of a residential
13 appliance installation contractor.

14 SECTION 9. (a) Except as provided by Subsection (b) of this
15 section, this Act takes effect September 1, 2007.

16 (b) The change in law made by this Act by the amendment of
17 Section 1305.151, Occupations Code, takes effect March 1, 2008.