

By: Goolsby

H.B. No. 3069

A BILL TO BE ENTITLED

AN ACT

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

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

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

(1-b) "Appliance" means equipment that:

(A) is installed as a unit;

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

(C) performs a specific function.

(1-c) "Appliance installation" means electrical work  
that is limited to the connection or disconnection of an appliance  
to an existing electrical system other than by inserting or  
removing a plug from an electrical outlet.

(1-d) "Appliance installation contracting" means the  
business of appliance installation.

(1-e) "Appliance installation contractor" means a  
business entity, other than an electrical contractor or electrical  
sign contractor, that is engaged in appliance installation  
contracting.

(1-f) "Appliance installer" means a person, other than  
a licensed electrician, who is licensed to perform appliance

1 installation.

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

4 (a) This chapter does not apply to:

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

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

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

15 (4) the installation, maintenance, alteration, or  
16 repair of communications equipment provided by a  
17 telecommunications provider;

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

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

27 (B) outdoors on property owned or leased by the

1 utility or power generation company;

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

4 (D) outdoors by established rights in vaults or  
5 on private property;

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

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

19 (8) electrical work if:

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

22 (B) the work is performed by a person regularly  
23 employed as a maintenance person or maintenance electrician for a  
24 business; and

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

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

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

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

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

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

24           (14) electrical work performed at a business that  
25 operates:

26                   (A) a chemical plant, petrochemical plant,  
27 refinery, natural gas plant, natural gas treating plant, pipeline,

1 or oil and gas exploration and production operation by a person who  
2 works solely for and is employed by that business; or

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

7 (i) the electrical work is not performed  
8 during new construction as defined by rules adopted under Chapter  
9 151, Tax Code; or

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

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

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

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

25 (18) electrical work performed on a building,  
26 structure, or equipment in agricultural use as defined by Section  
27 11.002, Water Code, other than the processing of an agricultural

commodity;

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

(20) electrical work required for the construction and 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 licensed manufacturer or installer under Chapter 1201 or 1202, as applicable, if work performed is within the scope of the license as defined by applicable statutes and administrative rules; and

(21) the maintenance, alteration, or repair of an appliance by an appliance dealer or manufacturer or a person authorized by an appliance dealer or manufacturer using only components of the same type and ampacity as the original components.

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

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

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

1 perform electrical work or appliance installation unless the person  
2 or business holds an appropriate license issued or recognized under  
3 this chapter.

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

7 Sec. 1305.1617. APPLIANCE INSTALLER. An applicant for a  
8 license as an appliance installer must pass an appliance installer  
9 examination administered under this chapter.

10 Sec. 1305.1618. APPLIANCE INSTALLATION CONTRACTOR. (a) An  
11 applicant for a license as an appliance installation contractor  
12 must:

13 (1) be licensed under this chapter as an appliance  
14 installer or employ a person licensed under this chapter as an  
15 appliance installer;

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

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

23 (b) A person who holds an appliance installer's license  
24 issued or recognized under this chapter may only be assigned to a  
25 single appliance installation contractor, unless the appliance  
26 installer owns more than 50 percent of the appliance installation  
27 contracting business.

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

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

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

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

- (1) enacting an ordinance requiring inspections;
- (2) offering examinations;
- (3) issuing municipal or regional licenses; or
- (4) collecting permit fees for municipal or regional licenses and examinations from electricians and appliance installers for work performed in the municipality or region.

SECTION 8. (a) The Texas Department of Licensing and Regulation shall issue an appliance installer license without examination to a qualified applicant under this section who:

- (1) applies for a license under this section not later than June 1, 2008;
- (2) submits to the department information required by rules adopted under this section;
- (3) meets the experience requirement in Subsection (b) of this section; and
- (4) pays the application fee.

(b) An applicant for a license under this section is



1 required to have completed at least 4,000 hours of electrical work  
2 or appliance installation under the supervision of a master  
3 electrician or an owner or supervisor of an appliance installation  
4 contractor.

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

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