

By: Goolsby

H.B. No. 3685

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain exemptions from the requirements of electrical
3 licensing.

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

5 SECTION 1. Subsection (a), Section 1305.003, Occupations
6 Code, is 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 or~~[7]~~ power generation company, a qualifying
24 facility, or an exempt wholesale generator as defined by Section

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

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

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

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

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

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

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

27 (8) electrical work if:

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

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

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

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

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

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

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

27 (13) landscape irrigation installers, as necessary to

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

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

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

11 (B) a chemical plant, petrochemical plant
12 refinery, natural gas plant, or natural gas treatment plant by a
13 person who is under a contract with the business, or whose employer
14 is under a contract with the business, of at least 12 months'
15 duration performs electrical work for that plant and:

16 (i) the electrical work is not performed
17 during new construction as defined by rules adopted under Chapter
18 151, Tax Code; or

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

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

26 (16) the installation, maintenance, alteration, or
27 repair of equipment or network facilities provided or utilized by a

1 cable operator, as that term is defined by 47 U.S.C. Section 522, as
2 amended;

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

7 (18) electrical work performed on a building,
8 structure, or equipment in agricultural use as defined by Section
9 11.002, Water Code, other than the processing of an agricultural
10 commodity;

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

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

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2007.