

BILL ANALYSIS

C.S.H.B. 1973
By: Hamilton
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Electric Safety and Licensing Act (TESLA) requires individuals to be licensed in order to perform electrical work. Numerous exceptions to TESLA allow other professionals to perform simple electrical work in the course of their normal duties. Some electrical work is incidental to swimming pool-related maintenance and installation. Requiring a licensed individual to perform such work is a burden and expense to consumers.

C.S.H.B. 1973 creates an exception to the application of TESLA for maintenance, alteration, or repair of a pool-related electrical device by, or pool-related electrical maintenance performed by, an employee of a municipality on a pool owned or operated by the municipality. The bill includes a pool-related electrical device as a residential appliance and requires the Texas Department of Licensing and Regulation to accept, develop, or contract for a residential appliance installer examination.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 4 of this bill.

ANALYSIS

C.S.H.B. 1973 reenacts and amends Section 1305.003(a), Occupations Code, as amended by Chapters 418 (S.B. 1222) and 649 (H.B. 1029), Acts of the 80th Legislature, Regular Session, 2007, to provide that the Texas Electrical Safety and Licensing Act (TESLA) does not apply to the maintenance, alteration, or repair of a pool-related electrical device by, or pool-related electrical maintenance performed by, an employee of a municipality on a pool owned or operated by the municipality. The bill amends the Occupations Code, effective March 1, 2010, to include a pool-related electrical device in the definition of "residential appliance" and to make conforming changes to relevant definitions, and defines the terms "pool," "pool-related electrical device," and "pool-related electrical maintenance."

C.S.H.B. 1973 requires the Texas Department of Licensing and Regulation to accept, develop, or contract for a residential appliance installer examination that tests the knowledge of an applicant for an electrician's license relating to the materials and methods used in the installation of residential appliances and pool-related devices under provisions regulating electricians and the National Electrical Code standards as adopted by the department's executive director.

C.S.H.B. 1973 requires the Texas Commission of Licensing and Regulation, not later than January 1, 2010, to adopt any rules necessary to implement the changes in law made by this bill.

C.S.H.B. 1973 makes its provisions applicable to a person who performs pool-related electrical maintenance, as defined by current provisions of the Occupations Code, as amended by this bill, or residential appliance installation that consists only of the connection or disconnection of a pool-related electrical device, as defined by current provisions of the Occupations Code, as

amended by this bill, on or after March 1, 2010.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1973 adds a provision not in the original to include a pool-related electrical device and pool-related electrical device maintenance in definitions relating to residential appliances.

C.S.H.B. 1973 differs from the original by specifying in the definition for "pool-related electrical device" that such equipment is directly connected to an electrical circuit, rather than an electrical system as in the original.

C.S.H.B. 1973 removes provisions from the original that set out licensing requirements for a pool-related electrical maintenance technician and a pool-related electrical maintenance contractor and removes the related definitions.

C.S.H.B. 1973 differs from the original by applying the exemption from TESLA to pool-related electrical maintenance performed by an employee of a municipality on a pool owned or operated by the municipality, whereas the original applies the exemption to a pool-related electrical device dealer or manufacturer or a person authorized by a dealer or manufacturer using only components of the same type and ampacity as the original components.

C.S.H.B. 1973 adds a provision not in the original relating to the requirement for the department to accept, develop, or contract for a residential appliance installer examination.

C.S.H.B. 1973 adds provisions not in the original to require the commission to adopt necessary rules by January 1, 2010, and to apply the bill's provisions to a person who performs pool-related electrical maintenance or specified residential appliance installation on or after March 1, 2010.

C.S.H.B. 1973 makes conforming changes in the effective date and other provisions.