

By: Darby

H.B. No. 2091

A BILL TO BE ENTITLED

AN ACT

relating to a license exemption for persons performing certain electrical work in unincorporated areas of this state.

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

SECTION 1. 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, is reenacted and amended to read as follows:

(a) This chapter does not apply to:

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

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

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

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

(5) the installation, maintenance, alteration, or repair of electrical equipment under the exclusive control of an

1 electric utility, power generation company as defined by Sections
2 31.002(1) and (10), Utilities Code, electric cooperative, or
3 municipally owned utility and used for communications or metering,
4 or for the generation, control, transformation, transmission, and
5 distribution of electrical 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 or authorized representatives
25 of an electrical equipment manufacturer and limited to the type of
26 products manufactured by 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 under a contract of at least 12 months' duration performs
14 electrical work for that plant and:

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

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

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

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

1 amended;

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

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

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

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; ~~and~~

19 (21) work performed by a plumber who holds a license or
20 endorsement or is registered under Chapter 1301 that is necessary
21 to install, service, maintain, repair, or replace any type of
22 plumbing fixture or appliance, as described by Section 1301.002(7),
23 including a water heater, food disposer, garbage disposal, water
24 softener, dishwashing machine, and clothes washing machine on
25 existing electrical circuits only;

26 (22) [~~—(21)~~] the maintenance or repair of a
27 residential appliance by a residential appliance dealer or

1 manufacturer or a person authorized by a residential appliance
2 dealer or manufacturer using only components of the same type and
3 ampacity as the original components; and

4 (23) electrical work performed in an unincorporated
5 area of this state on an existing motor, control, or component of
6 equipment.

7 SECTION 2. To the extent of any conflict, this Act prevails
8 over another Act of the 81st Legislature, Regular Session, 2009,
9 relating to nonsubstantive additions to and corrections in enacted
10 codes.

11 SECTION 3. This Act takes effect September 1, 2009.