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S.B. No. 1982

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the licensing and regulation of pool-related electrical  
3 maintenance technicians and pool-related electrical maintenance  
4 contractors.

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

6 SECTION 1. Section 1305.002, Occupations Code, is amended  
7 by adding Subdivisions (14), (15), (16), (17), (18), and (19) to  
8 read as follows:

9 (14) "Pool" means an outdoor or indoor structure  
10 intended for swimming or recreational bathing, including an  
11 inground structure, aboveground structure, hot tub, spa, portable  
12 spa, or non-portable wading pool.

13 (15) "Pool-related electrical device" means equipment  
14 for a pool that:

15 (A) is installed as a unit;

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

18 (C) performs a specific function.

19 (16) "Pool-related electrical maintenance" means  
20 electrical work that is limited to the connection or disconnection  
21 of a pool-related electrical device to an existing electrical  
22 system other than by inserting or removing a plug from an electrical  
23 outlet.

24 (17) "Pool-related electrical maintenance

1 contracting" means the business of pool-related electrical  
2 maintenance.

3 (18) "Pool-related electrical maintenance contractor"  
4 means a business entity, other than an electrical contractor or  
5 electrical sign contractor, that is engaged in pool-related  
6 electrical maintenance contracting.

7 (19) "Pool-related electrical maintenance technician"  
8 means a person, other than a licensed electrician, who is licensed  
9 to perform pool-related electrical maintenance.

10 SECTION 2. Section 1305.003(a), Occupations Code, as  
11 amended by Chapters 418 (S.B. 1222) and 649 (H.B. 1029), Acts of the  
12 80th Legislature, Regular Session, 2007, is reenacted and amended  
13 to read as follows:

14 (a) This chapter does not apply to:

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

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

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

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

1           (5) the installation, maintenance, alteration, or  
2 repair of electrical equipment under the exclusive control of an  
3 electric utility, power generation company as defined by Sections  
4 31.002(1) and (10), Utilities Code, electric cooperative, or  
5 municipally owned utility and used for communications or metering,  
6 or for the generation, control, transformation, transmission, and  
7 distribution of electrical energy, and located:

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

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

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

14           (D) outdoors by established rights in vaults or  
15 on private property;

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

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

1 products manufactured by the manufacturer;

2 (8) electrical work if:

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

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

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

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

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

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

24 (12) the design, installation, erection, repair, or  
25 alteration of Class 1, Class 2, or Class 3 remote control,  
26 signaling, or power-limited circuits, fire alarm circuits, optical  
27 fiber cables, or communications circuits, including raceways, as

1 defined by the National Electrical Code;

2 (13) landscape irrigation installers, as necessary to  
3 perform the installation and maintenance of irrigation control  
4 systems, and landscapers, as necessary to perform the installation  
5 and maintenance of low-voltage exterior lighting and holiday  
6 lighting excluding any required power source;

7 (14) electrical work performed at a business that  
8 operates:

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

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

17 (i) the electrical work is not performed  
18 during new construction as defined by rules adopted under Chapter  
19 151, Tax Code; or

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

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

27 (16) the installation, maintenance, alteration, or

1 repair of equipment or network facilities provided or utilized by a  
2 cable operator, as that term is defined by 47 U.S.C. Section 522, as  
3 amended;

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

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

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

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; ~~and~~

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

1           (22) [~~.(21)~~] the maintenance or repair of a  
2 residential appliance by a residential appliance dealer or  
3 manufacturer or a person authorized by a residential appliance  
4 dealer or manufacturer using only components of the same type and  
5 ampacity as the original components; and

6           (23) the maintenance, alteration, or repair of a  
7 pool-related electrical device by a pool-related electrical device  
8 dealer or manufacturer or a person authorized by a dealer or  
9 manufacturer using only components of the same type and ampacity as  
10 the original components.

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

13           (a) The executive director shall adopt rules for the  
14 licensing of electricians, sign electricians, electrical sign  
15 contractors, electrical contractors, residential appliance  
16 installers, [~~and~~] residential appliance installation contractors,  
17 pool-related electrical maintenance contractors, and pool-related  
18 electrical maintenance technicians as prescribed by this chapter.

19           SECTION 4. Section 1305.151, Occupations Code, is amended  
20 to read as follows:

21           Sec. 1305.151. LICENSE REQUIRED. Except as provided by  
22 Section 1305.003, a person or business may not perform or offer to  
23 perform electrical work, [~~or~~] residential appliance installation,  
24 or pool-related electrical maintenance unless the person or  
25 business holds an appropriate license issued or recognized under  
26 this chapter.

27           SECTION 5. Subchapter D, Chapter 1305, Occupations Code, is

1 amended by adding Sections 1305.1611 and 1305.1612 to read as  
2 follows:

3 Sec. 1305.1611. POOL-RELATED ELECTRICAL MAINTENANCE  
4 TECHNICIAN. An applicant for a license as a pool-related electrical  
5 maintenance technician must pass a pool-related electrical  
6 maintenance technician examination administered under this  
7 chapter.

8 Sec. 1305.1612. POOL-RELATED ELECTRICAL MAINTENANCE  
9 CONTRACTOR. An applicant for a license as a pool-related  
10 electrical maintenance contractor must:

11 (1) be licensed under this chapter as a pool-related  
12 electrical maintenance technician or employ a person licensed under  
13 this chapter as a pool-related electrical maintenance technician;

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

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

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

23 (a) An electrical contractor, electrical sign contractor,  
24 ~~and~~ residential appliance installation contractor, and  
25 pool-related electrical maintenance contractor shall display the  
26 contractor's business name and the number of the license issued by  
27 the executive director on each vehicle owned by the contractor.

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

3 (a) This chapter does not prohibit a municipality or region  
4 from regulating electricians, ~~or~~ residential appliance  
5 installers, or pool-related electrical maintenance technicians by:

6 (1) enacting an ordinance requiring inspections;

7 (2) offering examinations;

8 (3) issuing municipal or regional licenses; or

9 (4) collecting permit fees for municipal or regional  
10 licenses and examinations from electricians, ~~and~~ appliance  
11 installers, and pool-related electrical maintenance technicians  
12 for work performed in the municipality or region.

13 SECTION 8. (a) The Texas Department of Licensing and  
14 Regulation shall issue a pool-related electrical maintenance  
15 technician license without examination to a qualified applicant  
16 under this section who:

17 (1) applies for a license under this section not later  
18 than June 1, 2010;

19 (2) submits to the department information required by  
20 any rules adopted under this section;

21 (3) meets the experience requirement in Subsection (b)  
22 of this section; and

23 (4) pays the application fee.

24 (b) An applicant for a license under this section is  
25 required to have completed at least 400 hours of electrical work or  
26 pool-related electrical maintenance under the supervision of a  
27 master electrician or an owner or supervisor of a pool-related

1 electrical maintenance contractor.

2 SECTION 9. (a) Except as provided by Subsection (b) of this  
3 section, this Act takes effect September 1, 2009.

4 (b) Section 1305.151, Occupations Code, as amended by this  
5 Act, takes effect March 1, 2010.