

1-1 By: Patrick S.B. No. 1982
1-2 (In the Senate - Filed March 12, 2009; March 24, 2009, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 24, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 24, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1982 By: Estes

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the licensing and regulation of pool-related electrical
1-11 maintenance.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 1305.002, Occupations Code, is amended
1-14 by amending Subdivisions (12-a), (12-b), (12-c), (12-d), and (12-e)
1-15 and adding Subdivisions (14), (15), and (16) to read as follows:

1-16 (12-a) "Residential appliance" means a pool-related
1-17 electrical device, or equipment that:

1-18 (A) is installed as a unit in a single-family or
1-19 multifamily dwelling that does not exceed four stories;

1-20 (B) is directly connected to an electrical
1-21 circuit; and

1-22 (C) performs a specific function.

1-23 (12-b) "Residential appliance installation" means
1-24 electrical work that is limited to the connection or disconnection
1-25 of a residential appliance, including a pool-related electrical
1-26 device, to an existing electrical circuit other than by inserting
1-27 or removing a plug from an electrical outlet.

1-28 (12-c) "Residential appliance installation
1-29 contracting" means the business of residential appliance
1-30 installation, including pool-related electrical maintenance.

1-31 (12-d) "Residential appliance installation
1-32 contractor" means a business entity, other than an electrical
1-33 contractor or electrical sign contractor, that is engaged in
1-34 residential appliance installation contracting, including
1-35 pool-related electrical maintenance.

1-36 (12-e) "Residential appliance installer" means a
1-37 person, other than a licensed electrician, who is licensed to
1-38 perform residential appliance installation, including pool-related
1-39 electrical maintenance.

1-40 (14) "Pool" means an outdoor or indoor structure
1-41 intended for swimming or recreational bathing, including an
1-42 inground structure, aboveground structure, hot tub, spa, portable
1-43 spa, or non-portable wading pool.

1-44 (15) "Pool-related electrical device" means equipment
1-45 for a pool that:

1-46 (A) is installed as a unit;

1-47 (B) is directly connected to an electrical
1-48 circuit; and

1-49 (C) performs a specific function.

1-50 (16) "Pool-related electrical maintenance" means
1-51 electrical work that is limited to the connection or disconnection
1-52 of a pool-related electrical device to an existing electrical
1-53 circuit other than by inserting or removing a plug from an
1-54 electrical outlet.

1-55 SECTION 2. Subsection (a), Section 1305.003, Occupations
1-56 Code, as amended by Chapters 418 (S.B. 1222) and 649 (H.B. 1029),
1-57 Acts of the 80th Legislature, Regular Session, 2007, is reenacted
1-58 and amended to read as follows:

1-59 (a) This chapter does not apply to:

1-60 (1) the installation of electrical equipment in a
1-61 ship, watercraft other than a floating building, railway rolling
1-62 stock, aircraft, motor vehicle, or recreational vehicle;

1-63 (2) the installation of electrical equipment

- 2-1 underground in a mine and in self-propelled mobile surface mining
2-2 machinery and its attendant electrical trailing cable;
- 2-3 (3) the installation of electrical equipment for
2-4 generation, transformation, transmission, or distribution of power
2-5 used exclusively to operate railway rolling stock or exclusively
2-6 for signaling and communications purposes;
- 2-7 (4) the installation, maintenance, alteration, or
2-8 repair of communications equipment provided by a
2-9 telecommunications provider;
- 2-10 (5) the installation, maintenance, alteration, or
2-11 repair of electrical equipment under the exclusive control of an
2-12 electric utility, power generation company as defined by Sections
2-13 31.002(1) and (10), Utilities Code, electric cooperative, or
2-14 municipally owned utility and used for communications or metering,
2-15 or for the generation, control, transformation, transmission, and
2-16 distribution of electrical energy, and located:
- 2-17 (A) in a building used exclusively by a utility
2-18 or power generation company for those purposes;
- 2-19 (B) outdoors on property owned or leased by the
2-20 utility or power generation company;
- 2-21 (C) on public highways, streets, roads, or other
2-22 public rights-of-way; or
- 2-23 (D) outdoors by established rights in vaults or
2-24 on private property;
- 2-25 (6) work not specifically regulated by a municipal
2-26 ordinance that is performed in or on a dwelling by a person who owns
2-27 and resides in the dwelling;
- 2-28 (7) work involved in the manufacture of electrical
2-29 equipment that includes the on-site and off-site manufacturing,
2-30 commissioning, testing, calibrating, coordinating,
2-31 troubleshooting, or evaluating of electrical equipment, the
2-32 repairing or retrofitting of electrical equipment with components
2-33 of the same ampacity, and the maintenance and servicing of
2-34 electrical equipment within the equipment's enclosure that is
2-35 performed by an authorized employee or authorized representative of
2-36 an electrical equipment manufacturer and limited to the type of
2-37 products manufactured by the manufacturer;
- 2-38 (8) electrical work if:
- 2-39 (A) the work is performed by a person who does not
2-40 engage in electrical work for the public;
- 2-41 (B) the work is performed by a person regularly
2-42 employed as a maintenance person or maintenance electrician for a
2-43 business; and
- 2-44 (C) the electrical work does not involve the
2-45 installation of electrical equipment during new construction as
2-46 defined by rules adopted under Chapter 151, Tax Code;
- 2-47 (9) the installation, maintenance, alteration, or
2-48 repair of electrical equipment or associated wiring under the
2-49 exclusive control of a gas utility and used for communications or
2-50 metering or for the control, transmission, or distribution of
2-51 natural gas;
- 2-52 (10) thoroughfare lighting, traffic signals,
2-53 intelligent transportation systems, and telecommunications
2-54 controlled by a governmental entity;
- 2-55 (11) electrical connections supplying heating,
2-56 ventilation, and cooling and refrigeration equipment, including
2-57 any required disconnect exclusively for the equipment, if the
2-58 service is performed by a licensed air conditioning and
2-59 refrigeration contractor under Chapter 1302;
- 2-60 (12) the design, installation, erection, repair, or
2-61 alteration of Class 1, Class 2, or Class 3 remote control,
2-62 signaling, or power-limited circuits, fire alarm circuits, optical
2-63 fiber cables, or communications circuits, including raceways, as
2-64 defined by the National Electrical Code;
- 2-65 (13) landscape irrigation installers, as necessary to
2-66 perform the installation and maintenance of irrigation control
2-67 systems, and landscapers, as necessary to perform the installation
2-68 and maintenance of low-voltage exterior lighting and holiday
2-69 lighting excluding any required power source;

3-1 (14) electrical work performed at a business that
3-2 operates:
3-3 (A) a chemical plant, petrochemical plant,
3-4 refinery, natural gas plant, natural gas treating plant, pipeline,
3-5 or oil and gas exploration and production operation by a person who
3-6 works solely for and is employed by that business; or
3-7 (B) a chemical plant, petrochemical plant,
3-8 refinery, natural gas plant, or natural gas treatment plant by a
3-9 person who under a contract of at least 12 months' duration performs
3-10 electrical work for that plant and:
3-11 (i) the electrical work is not performed
3-12 during new construction as defined by rules adopted under Chapter
3-13 151, Tax Code; or
3-14 (ii) the person is not working for a
3-15 contractor that has a principal place of business in another state
3-16 or territory of the United States or a foreign country;
3-17 (15) the installation, maintenance, alteration, or
3-18 repair of elevators, escalators, or related equipment, excluding
3-19 any required power source, regulated under Chapter 754, Health and
3-20 Safety Code;
3-21 (16) the installation, maintenance, alteration, or
3-22 repair of equipment or network facilities provided or utilized by a
3-23 cable operator, as that term is defined by 47 U.S.C. Section 522, as
3-24 amended;
3-25 (17) the location, design, construction, extension,
3-26 maintenance, and installation of on-site sewage disposal systems in
3-27 accordance with Chapter 366, Health and Safety Code, or an on-site
3-28 sewage facility installer licensed under Chapter 37, Water Code;
3-29 (18) electrical work performed on a building,
3-30 structure, or equipment in agricultural use as defined by Section
3-31 11.002, Water Code, other than the processing of an agricultural
3-32 commodity;
3-33 (19) the installation, maintenance, alteration, or
3-34 repair of well pumps and equipment in accordance with Chapter 1902;
3-35 (20) electrical work required for the construction and
3-36 assembly of HUD-code manufactured housing or modular housing and
3-37 building units, other than the installation of service entrance
3-38 conductors, that is performed by a licensed manufacturer or
3-39 installer under Chapter 1201 or 1202, as applicable, if work
3-40 performed is within the scope of the license as defined by
3-41 applicable statutes and administrative rules; ~~and~~
3-42 (21) work performed by a plumber who holds a license or
3-43 endorsement or is registered under Chapter 1301 that is necessary
3-44 to install, service, maintain, repair, or replace any type of
3-45 plumbing fixture or appliance, as described by Section 1301.002(7),
3-46 including a water heater, food disposer, garbage disposal, water
3-47 softener, dishwashing machine, and clothes washing machine on
3-48 existing electrical circuits only;
3-49 (22) ~~[(21)]~~ the maintenance or repair of a
3-50 residential appliance by a residential appliance dealer or
3-51 manufacturer or a person authorized by a residential appliance
3-52 dealer or manufacturer using only components of the same type and
3-53 ampacity as the original components; and
3-54 (23) the maintenance, alteration, or repair of a
3-55 pool-related electrical device by, or pool-related electrical
3-56 maintenance performed by, an employee of a municipality on a pool
3-57 owned or operated by the municipality.
3-58 SECTION 3. Section 1305.162, Occupations Code, is amended
3-59 by adding Subsection (d) to read as follows:
3-60 (d) In addition to the other requirements of this section,
3-61 the department shall accept, develop, or contract for a residential
3-62 appliance installer examination that tests an applicant's
3-63 knowledge of the materials and methods used in the installation of
3-64 residential appliances and pool-related devices under this chapter
3-65 and the National Electrical Code standards as adopted by the
3-66 executive director.
3-67 SECTION 4. Not later than January 1, 2010, the Texas
3-68 Commission of Licensing and Regulation shall adopt any rules
3-69 necessary to implement the changes in law made by this Act.

4-1 SECTION 5. Section 1305.151, Occupations Code, applies only
4-2 to a person who performs pool-related electrical maintenance, as
4-3 defined by Section 1305.002, Occupations Code, as amended by this
4-4 Act, or residential appliance installation that consists only of
4-5 the connection or disconnection of a pool-related electrical
4-6 device, as defined by Section 1305.002, Occupations Code, as
4-7 amended by this Act, on or after March 1, 2010.

4-8 SECTION 6. (a) Except as provided by Subsection (b) of
4-9 this section, this Act takes effect September 1, 2009.

4-10 (b) Section 1 of this Act takes effect March 1, 2010.

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