

By: Thompson of Harris

H.B. No. 796

Substitute the following for H.B. No. 796:

By: Guillen

C.S.H.B. No. 796

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of electrical contracting, including the
licensing of a journeyman lineman.

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

SECTION 1. Section 1305.002, Occupations Code, is amended
by redesignating existing Subdivision (12) as Subdivision (11-a)
and adding a new Subdivision (12) to read as follows:

(11-a) [~~(12)~~] "Executive director" means the executive
director of the department.

(12) "Journeyman lineman" means an individual who
engages in electrical work involving the maintenance and operation
of equipment associated with the transmission and distribution of
electricity from the electricity's original source to a substation
for further distribution.

SECTION 2. Section 1305.003(a), Occupations Code, is
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

1 generation, transformation, transmission, or distribution of power
2 used exclusively to operate railway rolling stock or exclusively
3 for signaling and communications purposes;

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

7 (5) work that:

8 (A) involves:

9 (i) the installation, maintenance,
10 alteration, removal, or repair of electrical equipment under the
11 exclusive control of an electric utility, including activities
12 performed by a contractor on behalf of the utility and activities
13 performed during emergency restoration operations on behalf of the
14 utility;

15 (ii) the operation or performance of work
16 on electrical equipment for a power generation company as defined
17 by Sections 31.002(1) and (10), Utilities Code, electric
18 cooperative, or municipally owned utility; or

19 (iii) the operation or performance of work
20 on electrical equipment [~~and~~] used for communications or metering,
21 or for the generation, control, transformation, transmission, and
22 distribution of electrical energy on behalf of an electric utility;

23 [~~7~~] and

24 (B) is on electrical equipment located:

25 (i) [~~(A)~~] in a building used exclusively by
26 a utility or power generation company for those purposes;

27 (ii) [~~(B)~~] outdoors on property owned or

1 leased by the utility or power generation company;

2 (iii) [~~(C)~~] on public highways, streets,
3 roads, or other public rights-of-way; or

4 (iv) [~~(D)~~] outdoors by established rights
5 in vaults or on private property;

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

9 (7) work involved in the manufacture of electrical
10 equipment that includes the on-site and off-site manufacturing,
11 commissioning, testing, calibrating, coordinating,
12 troubleshooting, or evaluating of electrical equipment, the
13 repairing or retrofitting of electrical equipment with components
14 of the same ampacity, and the maintenance and servicing of
15 electrical equipment within the equipment's enclosure that is
16 performed by an authorized employee or authorized representative of
17 an electrical equipment manufacturer and limited to the type of
18 products manufactured by the manufacturer;

19 (8) electrical work if:

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

22 (B) the work is performed by a person regularly
23 employed as a maintenance person or maintenance electrician for a
24 business; and

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

1 (9) the installation, maintenance, alteration, or
2 repair of electrical equipment or associated wiring under the
3 exclusive control of a gas utility and used for communications or
4 metering or for the control, transmission, or distribution of
5 natural gas;

6 (10) thoroughfare lighting, traffic signals,
7 intelligent transportation systems, and telecommunications
8 controlled by a governmental entity;

9 (11) electrical connections supplying heating,
10 ventilation, and cooling and refrigeration equipment, including
11 any required disconnect exclusively for the equipment, if the
12 service is performed by a licensed air conditioning and
13 refrigeration contractor under Chapter 1302;

14 (12) the design, installation, erection, repair, or
15 alteration of Class 1, Class 2, or Class 3 remote control,
16 signaling, or power-limited circuits, fire alarm circuits, optical
17 fiber cables, or communications circuits, including raceways, as
18 defined by the National Electrical Code;

19 (13) landscape irrigation installers, as necessary to
20 perform the installation and maintenance of irrigation control
21 systems, and landscapers, as necessary to perform the installation
22 and maintenance of low-voltage exterior lighting and holiday
23 lighting excluding any required power source;

24 (14) electrical work performed at a business that
25 operates:

26 (A) a chemical plant, petrochemical plant,
27 refinery, natural gas plant, natural gas treating plant, pipeline,

1 or oil and gas exploration and production operation by a person who
2 works solely for and is employed by that business; or

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

7 (i) the electrical work is not performed
8 during new construction as defined by rules adopted under Chapter
9 151, Tax Code; or

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

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

17 (16) the installation, maintenance, alteration, or
18 repair of equipment or network facilities provided or utilized by a
19 cable operator, as that term is defined by 47 U.S.C. Section 522, as
20 amended;

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

25 (18) electrical work performed on a building,
26 structure, or equipment in agricultural use as defined by Section
27 11.002, Water Code, other than the processing of an agricultural

1 commodity;

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

4 (20) electrical work required for the construction and
5 assembly of HUD-code manufactured housing or modular housing and
6 building units, other than the installation of service entrance
7 conductors, that is performed by a licensed manufacturer or
8 installer under Chapter 1201 or 1202, as applicable, if work
9 performed is within the scope of the license as defined by
10 applicable statutes and administrative rules;

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

18 (22) the maintenance or repair of a residential
19 appliance by a residential appliance dealer or manufacturer or a
20 person authorized by a residential appliance dealer or manufacturer
21 using only components of the same type and ampacity as the original
22 components; and

23 (23) the maintenance, alteration, or repair of a
24 pool-related electrical device by, or pool-related electrical
25 maintenance performed by, an employee of a municipality on a pool
26 owned or operated by the municipality.

27 SECTION 3. Section 1305.102(a), Occupations Code, is

1 amended to read as follows:

2 (a) The executive director shall adopt rules for the
3 licensing of electricians, sign electricians, electrical sign
4 contractors, electrical contractors, journeyman linemen,
5 residential appliance installers, and residential appliance
6 installation contractors as prescribed by this chapter.

7 SECTION 4. Subchapter D, Chapter 1305, Occupations Code, is
8 amended by adding Section 1305.1605 to read as follows:

9 Sec. 1305.1605. JOURNEYMAN LINEMAN. An applicant for a
10 license as a journeyman lineman must:

11 (1) have at least:

12 (A) 7,000 hours of training in an apprenticeship
13 program approved by the United States Department of Labor; or

14 (B) 3-1/2 years of experience as a journeyman
15 lineman for an electric utility or electrical contractor in this
16 state; and

17 (2) pass a journeyman lineman examination
18 administered under this chapter.

19 SECTION 5. Section 1305.168(a), Occupations Code, is
20 amended to read as follows:

21 (a) To renew a master electrician, journeyman electrician,
22 master sign electrician, journeyman sign electrician, maintenance
23 electrician, journeyman lineman, or residential wireman license,
24 the license holder must complete four hours of continuing education
25 annually.

26 SECTION 6. (a) Not later than January 1, 2014, the
27 executive director of the Texas Department of Licensing and

1 Regulation shall adopt rules regulating the licensing of a
2 journeyman lineman, as required by Section 1305.102, Occupations
3 Code, as amended by this Act.

4 (b) A person is not required to hold a license as a
5 journeyman lineman under Chapter 1305, Occupations Code, as amended
6 by this Act, before June 1, 2014.

7 SECTION 7. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2013.