

By: Callegari, Harper-Brown, Ratliff, et al.

H.B. No. 1352

Substitute the following for H.B. No. 1352:

By: Smith

C.S.H.B. No. 1352

A BILL TO BE ENTITLED

1

AN ACT

2 relating to an exemption for certain persons who sell signs from the
3 requirement to be licensed as an electrician.

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

5 SECTION 1. Section 1305.003(a), Occupations Code, is
6 amended to read as follows:

7 (a) This chapter does not apply to:

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

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

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

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

21 (5) the installation, maintenance, alteration, or
22 repair of electrical equipment under the exclusive control of an
23 electric utility, power generation company as defined by Sections
24 31.002(1) and (10), Utilities Code, electric cooperative, or

1 municipally owned utility and used for communications or metering,
2 or for the generation, control, transformation, transmission, and
3 distribution of electrical energy, and located:

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

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

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

10 (D) outdoors by established rights in vaults or
11 on private property;

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

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

25 (8) electrical work if:

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

1 (B) the work is performed by a person regularly
2 employed as a maintenance person or maintenance electrician for a
3 business; and

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

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

12 (10) thoroughfare lighting, traffic signals,
13 intelligent transportation systems, and telecommunications
14 controlled by a governmental entity;

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

20 (12) the design, installation, erection, repair, or
21 alteration of Class 1, Class 2, or Class 3 remote control,
22 signaling, or power-limited circuits, fire alarm circuits, optical
23 fiber cables, or communications circuits, including raceways, as
24 defined by the National Electrical Code;

25 (13) landscape irrigation installers, as necessary to
26 perform the installation and maintenance of irrigation control
27 systems, and landscapers, as necessary to perform the installation

1 and maintenance of low-voltage exterior lighting and holiday
2 lighting excluding any required power source;

3 (14) electrical work performed at a business that
4 operates:

5 (A) a chemical plant, petrochemical plant,
6 refinery, natural gas plant, natural gas treating plant, pipeline,
7 or oil and gas exploration and production operation by a person who
8 works solely for and is employed by that business; or

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

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

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

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

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

27 (17) the location, design, construction, extension,

1 maintenance, and installation of on-site sewage disposal systems in
2 accordance with Chapter 366, Health and Safety Code, or an on-site
3 sewage facility installer licensed under Chapter 37, Water Code;

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

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

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

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

24 (22) the maintenance or repair of a residential
25 appliance by a residential appliance dealer or manufacturer or a
26 person authorized by a residential appliance dealer or manufacturer
27 using only components of the same type and ampacity as the original

1 components; ~~and~~

2 (23) the maintenance, alteration, or repair of a
3 pool-related electrical device by, or pool-related electrical
4 maintenance performed by, an employee of a municipality on a pool
5 owned or operated by the municipality; and

6 (24) a person who sells or offers to sell a sign that
7 requires electrical work or electrical sign work in connection with
8 the construction or installation of the sign if the person:

9 (A) does not perform or offer to perform that
10 electrical work or electrical sign work; and

11 (B) uses only an electrical contractor under
12 Section 1305.159 or an electrical sign contractor under Section
13 1305.160 to perform that work.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2013.