

- SUBJECT:** Specialty license for pool-related electrical device installers, contractors
- COMMITTEE:** Licensing and Administrative Procedures — committee substitute recommended
- VOTE:** 9 ayes — Kuempel, Thompson, Chisum, Geren, Gutierrez, Hamilton, Jones, Menendez, Quintanilla
0 nays
- WITNESSES:** For — Greg Clark, Fort Worth Chapter of Independent Pool Spa Service Association; Douglas Dinkins, Spa Inspector, LLC.; Kevin Tucker; Aquatic Professionals Education Council (APEC); Patrick Walsh, South Texas Association of Pool and Spa Professionals; Christopher Westberry, Alamo Pool and Spa Inc.; Fred Rose, Jr., Flash Pool Service; (*Registered, but did not testify:* William Ainsworth, Professional Pool Services of Texas; Frank Berlanga, Jr., IPSSA Austin; Kevin Hooker, Texsun Pools and Spas; Tom Odeski, Aquatic Professionals Education Council; Phillip Sharp, River City Pool Service; Scott Waldo, Platinum Pools of Houston, Dallas, Fort Worth, Victoria, and Beaumont, Texas); (*On committee substitute:*) (*Registered, but did not testify:* Gregory Keith Bell, IEC of Texas)

Against — (*Registered, but did not testify:* Rene Lara, Texas AFL-CIO; Rick Levy, Texas State Association of Electrical Workers IBEW; Robert Wilkinson)

On — (*Registered, but did not testify:* William Kuntz, Texas Department of Licensing and Regulation)
- BACKGROUND:** Occupations Code sec. 1305.151 prohibits persons from performing electrical work without a license. The Texas Department of Licensing and Regulation (TDLR) issues a specialty electrical license for contractors and installers working with residential appliances. Residential appliance installers can do electrical work limited to the connection and disconnection of residential appliances to an existing electrical circuit other than by inserting or removing a plug from an electrical outlet. Residential appliance installation contractors are in the business of appliance installation.

Occupations Code, sec. 1305.003 lists 21 exceptions to the requirement to have an electrician's license. Sec. 1305.003(21) is an exception for those maintaining or repairing residential appliances if they are residential appliance dealers or manufacturers or persons authorized by them and use only components of the same type and ampacity as the original components.

DIGEST:

CSHB 1973 would expand the current residential appliance installer and contractor license issued under the electrician's licensing program to include installing and contracting for pool-related electrical devices.

Pool-related devices would be included among the types of residential appliances that, without an electrician's license, could be maintained or repaired by a residential appliance dealer or manufacturer or by a person authorized by a dealer or manufacturer if only components of the same type and ampacity as the original components were used.

The bill would create an exception from the licensing requirements for electricians maintaining, altering, or repairing a pool-related electrical device and for pool-related electrical maintenance performed by an employee of a city working on a pool owned or operated by the city.

"Pool-related electrical devices" would be defined as pool equipment that was installed as a unit, was directly connected to an electrical circuit, and performed a specific function. "Pool-related electrical maintenance" would mean electrical work limited to the connecting or disconnecting of pool-related electrical devices to an existing electrical circuit other than by inserting or removing a plug from an electrical outlet.

CSHB 1973 also would require the Texas Commission of Licensing and Regulation to accept, develop, or contract for a residential appliance installer examination that included pool-related devices.

The bill would take effect March 1, 2010. The TDLR would have to adopt any rules necessary to implement the bill by January 1, 2010.

**SUPPORTERS
SAY:**

CSHB 1973 simply would extend current law allowing appliance installers and contractors to do some minor electrical work to include pool installers and contractors. This would be a reasonable accommodation to the electrician's licensing laws that would help consumers by eliminating the cost and burden of employing a licensed electrician when the person

installing their pool and the contractor were knowledgeable and experienced in this work. The bill would authorize pool installers and contractors to do only minor electrical work related to connecting or disconnecting devices, similar to what currently is authorized for appliance installers and contractors. Before being able to do the work, installers and contractors would have to pass a test and be licensed by TDLR.

The bill also would extend the current exemption from licensing requirements for those maintaining and repairing residential appliances to those maintaining and repairing pool-related electrical devices. This is another logical extension of current law, and just as under current law, people doing this work would have to have ties to a dealer or manufacturer and could use only components of the same type and ampacity as the original components. This would allow consumers to call their pool dealers or manufacturers when they needed minor repairs, just as consumers can do now for their other home appliances. The bill would extend this same type of exemption to those working for cities on city pools.

The changes in CSHB 1973 would not threaten consumer or worker safety or be a major shift in the state's philosophy on licensing for electricians. It would extend the current law in narrow, limited circumstances, subject to several restrictions to ensure that only minor electrical work was done.

**OPPONENTS
SAY:**

The state should not continue to chip away at requirements that licensed electricians perform electrical work. These requirements are designed for consumer and worker safety and are especially important when it comes to pools, water, and electricity.

NOTES:

The committee substitute made several changes to the original bill, including rolling the provisions on pool-related electrical devices into those in current law that deal with residential appliances. The original bill would have established a separate license related to pool devices.

The companion bill, SB 1982 by Patrick, passed the Senate by 31-0 on May 4.