

BILL ANALYSIS

Senate Research Center
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S.B. 1222
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Business & Commerce
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Electric Safety and Licensing Act (TESLA) requires an individual to be licensed in order to perform certain electrical work. There are numerous exceptions that allow other professionals to perform simple electrical work in the course of their normal duties; however, no exception is made for electrical activities performed in the course of appliance installation. Electrical work is incidental to appliance installation, and requiring that an electrician perform this service is a burden and expense to consumers.

As proposed, S.B. 1222 creates a license for appliance installation and requires that appliance installation be done by a licensed appliance installer. Furthermore, S.B. 1222 creates an exception to TESLA for any electric work related to appliance installation done by a licensed appliance installer.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the executive director of the Texas Department of Licensing and Regulation is modified in SECTION 3 (Section 1305.102, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1305.002, Occupations Code, by adding Subdivisions (1-b), (1-c), (1-d), (1-e), and (1-f) to define "appliance," "appliance installation," "appliance installation contracting," "appliance installation contractor," and "appliance installer."

SECTION 2. Amends Section 1305.003(a), Occupations Code, to provide that this chapter does not apply to the maintenance, alteration, or repair of an appliance by an appliance dealer or manufacturer or a person authorized by an appliance dealer or manufacturer using only components of the same type and ampacity as the original components.

SECTION 3. Amends Section 1305.102(a), Occupations Code, to require the executive director of the Texas Department of Licensing and Regulation (department) to adopt rules for the licensing of appliance installers and appliance installation contractors, in addition to other persons already required to be licensed, as prescribed by this chapter.

SECTION 4. Amends Section 1305.151, Occupations Code, to prohibit a person or business, except as provided by Section 1305.003, from performing or offering to perform appliance installation unless the person or business holds an appropriate license issued or recognized under this chapter.

SECTION 5. Amends Subchapter D, Chapter 1305, Occupations Code, by adding Sections 1305.1617 and 1305.1618, as follows:

Sec. 1305.1617. APPLIANCE INSTALLER. Requires an applicant for a license as an appliance installer to pass an appliance installer examination administered under this chapter.

Sec. 1305.1618. APPLIANCE INSTALLATION CONTRACTOR. (a) Requires an applicant for a license as an appliance installation contractor to meet certain requirements.

(b) Authorizes a person who holds an appliance installer's license issued or recognized under this chapter to only be assigned to a single appliance installation contractor, unless the appliance installer owns more than 50 percent of the appliance installation contracting business.

SECTION 6. Amends Section 1305.166(a), Occupations Code, to require an appliance installation contractor to display the contractor's business name and the number of the license issued by the executive director of the department on each vehicle owned by the contractor.

SECTION 7. Amends Section 1305.201(a), Occupations Code, to provide that this chapter does not prohibit a municipality or region from regulating appliance installers by taking certain actions.

SECTION 8. (a) Requires the department to issue an appliance installer license without examination to a qualified applicant under this section who satisfies certain conditions.

(b) Provides that an applicant for a license under this section is required to have completed at least 4,000 hours of electrical work or appliance installation under the supervision of a master electrician or an owner or supervisor of an appliance installation contractor.

SECTION 9. (a) Effective date, except as provided by Subsection (b) of this section: September 1, 2007.

(b) Effective date for the change in law made by this Act by the amendment of Section 1305.151, Occupations Code: March 1, 2008.