

Changes in the Law and Rules as well as revised TDLR interpretations for 2012

Electrical Law

ELECTRICIANS

Title 8, Occupations Code

Chapter 1305

Administered by the Texas Department of Licensing and Regulation

(Effective September 1, 2011, except where noted)

Sec. 1305.003. Exemptions; Application of Chapter.

(a) This chapter does not apply to:

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

SUBCHAPTER D. LICENSE REQUIREMENTS

Sec. 1305.151. License Required.

Except as provided by Section 1305.003, a person or business may not perform or offer to perform electrical work or residential appliance installation unless the person or business holds an appropriate license issued or recognized under this chapter. **NOTE: The manufacturing exemption for electrical sign companies will no longer be allowed when the sign company engages in or offers to engage in any additional electrical work, such as installation, as part of the purchase of an electrical sign. This is a change in TDLR's previous interpretation which allowed some companies to claim the exemption as a method to avoid contractor licensing.**

Sec. 1305.168. Continuing Education.

(b-1) To renew an electrical apprentice license or electrical sign apprentice license, a license holder who is not enrolled in an apprenticeship training program must complete four hours of continuing education annually. Continuing education courses that satisfy the requirements of this subsection must address safety, the National Electrical Code, as adopted under Section 1305.101, and state laws and rules that regulate the conduct of license holders under this chapter.

NOTE: AS AMENDED BY ACTS 2011, 82nd LEG., HB 1625, SECTION 2 READS:

The change in law made by this Act applies to the renewal of an electrical sign apprentice license that expires on or after September 1, 2012. A license that expires before September 1, 2012, is governed by the law in effect on the date the license was issued, and the former law is continued in effect for that purpose. NOTE: All electrical sign apprentices must take 4 hours of continuing education annually in order to renew their license. This begins this year for all licensees with a renewal date of September 1, 2012 or later.

Administrative Rules

ELECTRICIANS

*Administrative Rules of the Texas Department of Licensing and Regulation
16 Texas Administrative Code, Chapter 73*

73.10. Definitions.

(26) **Offer to perform**--To make a written or oral proposal, to contract in writing or orally to perform electrical work or electrical sign work, or to advertise in any form through any medium that a person or business entity is an electrical contractor or electrical sign contractor, or that implies in any way that a person or business entity is available to contract for or perform electrical work or electrical sign work.

73.52. Electrical Sign Contractors' Responsibilities. *(Effective January 1, 2010, 34 TexReg 9433)*

(a) An Electrical Sign Contractor shall:

(1) notify the department when a new master electrician or master sign electrician of record is assigned to the contractor and notify the department within thirty business days from the date that the master electrician's employment with the contractor ended;

(2) maintain employee records and records of all work performed on its behalf for a period of four years after completion of the work, and shall make those records available to the department at the contractor's place of business during normal business hours for inspection and copying. If the contractor's principal place of business is located out of the state of Texas, the department may require the contractor to make records available to the department at its offices in Austin, Texas or another location agreed upon by the department and the contractor.

(b) A person or contractor that performs or offers to perform electrical sign contracting shall:

(1) provide safe and proper installation and service, and assure the electro-mechanical integrity of all work and installations are to code;

(2) not misrepresent the need for services, services to be provided, or services that have been provided;

(3) not make a fraudulent promise or false statement to influence, persuade, or induce an individual or an entity to contract for services; and

(4) ensure that all of an electrical sign contractor's non-exempt electrical work shall be performed by licensed individuals.

(c) The design of an electrical sign shall only be done by a licensed master electrician, master sign electrician, or design professional as authorized by statute. The design shall not be subcontracted to an unlicensed person, firm or corporation. **NOTE: Design references the electrical / mechanical properties as defined in (b) (1) above and referenced in 73.10. Definitions. (27) Electro Mechanical Integrity**--The condition of an electrical product, electrical system, or electrical equipment installed in accordance with its intended purpose and according to standards at least as strict as the standards provided by the National Electrical Code, the manufacturer's specifications, any listing or labeling on the product, and all other applicable codes or ordinances.

(d) A licensed electrical sign contractor shall display its name and license number on both sides of each vehicle owned or operated by the business and used in the conduct of electrical work. Lettering shall be of a contrasting color and at least two inches in height. The license number shall be preceded by the letters "TSCL".

(e) All advertising by electrical sign contracting companies designed to solicit electrical business shall include the electrical sign contractor's name and license number. This includes business cards on or after July 1, 2010. **NOTE: Some contractors are also including the wording found in (f) below in the event installation details, pricing or other offers to perform are written on the business card and given to a customer.** The following advertising does not require the license number:

- (1) nationally placed television advertising, in which a statement indicating that license numbers are available upon request is used in lieu of the electrical sign contractor license number;
- (2) telephone book listings that contain only the name, address, and telephone number;
- (3) manufacturers' and distributor's telephone book trade ads identifying an electrical contractor;
- (4) telephone solicitations, provided the solicitor states that the contractor complies with licensing requirements of the state. The electrical sign contractor's number must be provided upon request;
- (5) promotional items of nominal value such as ball caps, tee shirts, and other gifts; and
- (6) signs located on the contractor's permanent business location.

(f) The electrical sign contractor's name, address, phone number, and license number shall appear on all proposals, invoices, and written contracts from the contractor. The following information: "Regulated by The Texas Department of Licensing and Regulation, P. O. Box 12157, Austin, Texas 78711, 1-800-803-9202, 512-463-6599; website: www.license.state.tx.us/complaints" shall be listed on all proposals, invoices, and written contracts.

(g) A licensed electrical sign contractor and its designated master electrician or master sign electrician of record is responsible for supervision of all licensees performing work on behalf of the contractor to assure compliance with applicable statutes and rules and in particular, standards of conduct set out in this chapter.

(h) An electrical sign contractor shall not use a license that is not assigned to that contractor.

73.53. Responsibilities of All Persons Performing Electrical Work. (*Effective January 1, 2010, 34 TexReg 9433*)

All persons must perform non-exempt electrical work or non-exempt electrical sign work in compliance with applicable codes and ordinances. The department will interpret applicable codes and ordinances for purposes of enforcement of the Act. **NOTE: Listing is one of the areas that TDLR considers to be an essential component of the National Electric Code. It is important that you verify a jurisdiction's position as it relates to listing and or inspection requirements.**