

ELECTRICIANS

Administrative Rules of the Texas Department of Licensing and Regulation

16 Texas Administrative Code, Chapter 73

(effective September 1, 2015)

And NFPA 70E

73.1. Authority (Effective March 1, 2004, 29. TexReg 1653)

These rules are promulgated under the authority of Title 8, Occupations Code, Chapter 1305, and Title 2, Occupations Code, Chapter 51.

73.10. Definitions. (Effective March 1, 2004, 29 TexReg 1653; amended effective July 13, 2004, 29 TexReg 6637; emergency rule effective August 25, 2004, 29 TexReg 8699; amended effective December 22, 2004, 29 TexReg 1158; amended effective October 20, 2005, 30 TexReg 6730; amended effective December 1, 2007, 32 TexReg 8477; amended effective March 1, 2008, 33 TexReg 1525; amended effective January 1, 2010, 34 TexReg 9433, amended effective March 15, 2012, 37 TexReg 1703; amended effective January 1, 2014, 38 TexReg 9515)

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Assumed name--A name used by a business as defined in the Business and Commerce Code.

(2) Business affiliation--The business organization to which a master licensee may assign his or her license.

(3) Employee--An individual who performs tasks assigned to him by his employer. The employee is subject to the deduction of social security and federal income taxes from his pay. An employee may be full time, part time, or seasonal.

(4) Employer--One who employs the services of employees, pays their wages, deducts the required social security and federal income taxes from the employee's pay, and directs and controls the employee's performance.

(5) Filed--A document is deemed to have been filed with the department on the date that the document has been received by the department or, if the document has been mailed to the department, the date a postmark is applied to the document by the U.S. Postal Service.

(6) General Supervision--Exercise of oversight by a master electrician on behalf of an electrical contractor, or electrical sign contractor, or by a master sign electrician on behalf of an electrical sign contractor of performance by all classes of electrical licensees of electrical work bearing responsibility for the work's compliance with applicable codes under Texas Occupations Code, Chapter 1305.

(7) On-Site Supervision--Exercise of supervision of electrical work or electrical sign work by a licensed individual other than an electrical apprentice. Continuous supervision of an electrical apprentice is not required, though the on-site supervising licensee is responsible for review and inspection of the electrical apprentice's work to ensure compliance with any applicable codes or standards.

(8) Electrical Contractor--A person, or entity, licensed as an electrical contractor, that is in the business of performing "Electrical Contracting" as defined by Texas Occupations Code, §1305.002(5).

(9) Master Electrician--An individual, licensed as a master electrician, who on behalf of an electrical contractor, electrical sign contractor, or employing governmental entity, performs "Electrical Work" as defined by Texas Occupations Code, §1305.002(11).

(10) Journeyman Electrician--An individual, licensed as a journeyman electrician, who works under the general supervision of a master electrician, on behalf of an electrical contractor, or employing governmental entity, while performing "Electrical Work" as defined by Texas Occupations Code, §1305.002(11).

(11) Electrical Apprentice--An individual, licensed as an apprentice who works under the on-site supervision of a master electrician, journeyman electrician, or residential wireman, on behalf of an electrical contractor or employing governmental entity performing "Electrical Work" as defined by Texas Occupations Code, §1305.002(11).

(12) Electrical Sign Contractor--A person, or entity, licensed as an electrical sign contractor, that is in the business of performing "Electrical Sign Contracting" as defined by Texas Occupations Code, §1305.002(9).

(13) Master Sign Electrician--An individual, licensed as a master sign electrician, who, on behalf of an electrical sign contractor, performs "Electrical Sign Work" as defined in paragraph (18).

(14) Journeyman Sign Electrician--An individual, licensed as a journeyman sign electrician, who works under the general supervision of a master electrician or a master sign electrician, on behalf of an electrical sign contractor, while performing "Electrical Sign Work" as defined in paragraph (18).

(15) Residential Wireman--An individual, licensed as a residential wireman, who works under the general supervision of a master electrician, on behalf of an electrical contractor, or employing governmental entity, while performing electrical work that is limited to electrical installations in single family and multifamily dwellings not exceeding four stories, as defined by Texas Occupations Code, §1305.002(13).

(16) Maintenance Electrician--An individual, licensed as a maintenance electrician, who works under the general supervision of a master electrician, on behalf of an electrical contractor, or employing governmental entity while performing "Electrical Maintenance Work" as defined in paragraph (17).

(17) Electrical Maintenance Work--The replacement, or repair of existing electrical appurtenances, apparatus, equipment, machinery, or controls used in connection with the use of electrical energy in, on, outside, or attached to a building, residence, structure, property, or premises. All replacements or repairs must be of the same rating and type as the existing installation. No improvements may be made that are necessary to comply with applicable codes under Texas Occupations Code, Chapter 1305. Electrical maintenance work does not include the installation of any new electrical appurtenances, apparatus, equipment, machinery, or controls beyond the scope of any existing electrical installation.

(18) Electrical Sign Work--Any labor or material used in manufacturing, installing, maintaining, extending, connecting or reconnecting an electrical wiring system and its appurtenances, apparatus or equipment used in connection with signs, outline lighting, awnings, signals, light emitting diodes, and the repair of existing outdoor electric discharge lighting, including parking lot pole lighting. This also includes the installation of an electrical service integral to an isolated sign and/or outline lighting installation.

(19) Work Involved in the Manufacture of Electrical Equipment--Work involved in the manufacture of electrical equipment includes on and off-site manufacture, commissioning, testing, calibration, coordination, troubleshooting, evaluation, repair or retrofits with components of the same ampacity, maintenance and servicing of electrical equipment within their enclosures performed by authorized employees, or authorized representatives of electrical equipment manufacturers and limited to the type of products they manufacture.

(20) Electrical Sign Apprentice--An individual, licensed as an electrical sign apprentice who works under the on-site supervision of a master electrician, a master sign electrician, or a journeyman sign electrician, on behalf of an electrical sign contractor performing "Electrical Sign Work" as defined by this chapter.

(21) On-the-job Training--Training or experience gained under the supervision of an appropriate licensee, as prescribed by Texas Occupations Code Chapter 1305, while performing electrical work as defined by Texas Occupations Code, §1305.002(11).

(22) Residential Appliance Installer--An individual, licensed as a residential appliance installer, who on behalf of a residential appliance installation contractor, performs electrical work that is limited to residential appliance installation including residential pool-related electrical installation and maintenance as defined by Texas Occupations Code, §1305.002(12-b).

(23) Residential Appliance Installation Contractor--A person or entity licensed as a residential appliance installation contractor, that is in the business of residential appliance installation including pool-related electrical installation and maintenance as defined by Texas Occupations Code §1305.002(12-d).

(24) Residential Appliance--Electrical equipment that performs a specific function, and is installed as a unit in a dwelling by direct connection to an existing electrical circuit, such as water heaters, kitchen appliances, or pool-related electrical device. The term does not include general use equipment such as service equipment, other electrical power production sources, or branch circuit overcurrent protection devices not installed in the listed appliance or listed pool-related electrical device.

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

(26) 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.

(27) Journeyman Lineman--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.

73.20. Licensing Requirements--Applicant and Experience Requirements. (Effective March 1, 2004, 29 TexReg 1653; amended effective October 20, 2005, 30 TexReg 6730; amended effective December 1, 2007, 32 TexReg 8477; amended effective January 1, 2010, 34 TexReg 9433; amended effective March 15, 2012, 37 TexReg 1703; amended effective January 1, 2014, 38 TexReg 9515)

(a) An applicant for a license must submit the required fees with a completed application and the appropriate attachments:

(1) Applicants for Master Electrician, Master Sign Electrician, Journeyman Electrician, Journeyman Sign Electrician, Residential Wireman, Journeyman Lineman, and Maintenance Electrician licenses must submit documentation proving the required amount of on-the-job-training.

(2) Applicants for contractor's licenses must submit proof of general liability insurance and either workers' compensation insurance or a certificate of authority to self insure, or a statement that the applicant has elected not to obtain workers' compensation insurance pursuant to Subchapter A, Chapter 406, Labor Code, with the initial and renewal applications.

(3) Applicants for contractor's licenses must submit proof of ownership of the business entity and provide documentation of the sponsoring master licensee in a manner prescribed by the department.

(4) An applicant for a journeyman lineman license must submit documentation proving the required amount of training in an apprenticeship program or the required amount of experience as a journeyman lineman.

(b) An applicant must complete all requirements within one year of the date the application is filed.

(c) For purposes of this chapter, 2,000 hours of on the job training shall be the maximum that may be earned within one year.

(d) Each applicant must meet the applicable eligibility requirements as set forth in Texas Occupations Code, §§1305.153-1305.1618.

73.21. Licensing Requirements—Examinations. (Effective March 1, 2004, 29 TexReg 1653; amended effective October 20, 2005, 30 TexReg 6730; amended effective December 1, 2007, 32 TexReg 8477; amended effective January 1, 2010, 34 TexReg 9433)

(a) To obtain a license by examination issued under this chapter:

(1) An individual applicant must submit a completed application, all necessary documentation, and appropriate fees to the Texas Department of Licensing and Regulation for review and determination of examination eligibility.

(2) An individual applicant must achieve a passing score on an examination approved by the executive director of the Texas Department of Licensing and Regulation.

(b) To obtain a license without examination, an applicant must have been licensed for the preceding year by a municipality or regional licensing authority that has terminated its licensing program and have applied for a state issued license within ninety days of the date the program stopped issuing or renewing licenses.

73.22. Licensing Requirements—General. (Effective March 1, 2004, 29 TexReg 1653; amended effective October 20, 2005, 30 TexReg 6730; amended effective December 1, 2007, 32 TexReg 8477; amended effective January 1, 2010, 34 TexReg 9433)

(a) A license issued under this chapter is valid for one year from the date of issuance and must be renewed annually.

(b) A person shall not perform electrical work requiring a license under Title 8, Texas Occupations Code, Chapter 1305 with an expired license.

(c) Falsifying information on an application, obtaining a license by fraud or false representation, or cheating on an examination is grounds for denial, suspension, or revocation of a license and/or an administrative penalty.

(d) An electrical contractor, an electrical sign contractor, or a residential appliance installation contractor shall not use a license number that is not assigned to that contractor by the department.

(e) A license is not transferable.

(f) Altering a license in any way is prohibited and is grounds for a sanction and/or penalty.

(g) If a licensee contracts with a general contractor or a home warranty company to provide installation or service that requires a license under the Act, the licensee remains responsible for the integrity of that work.

(h) A person using the license of another person or allowing another person to use his license shall be subject to license denial, suspension, or revocation and/or assessment of an administrative penalty.

73.23. Licensing Requirements--Renewal. (Effective March 1, 2004, 29 TexReg 1653; amended effective October 20, 2005, 30 TexReg 6730; amended effective January 1, 2010, 34 TexReg 9433)

(a) Non-receipt of a license renewal notice from the department does not exempt a person, or entity, from any requirements of this chapter.

(b) A complete request for renewal must be filed on the form approved by the department and includes all required fees by the expiration date to maintain continuous licensure.

(c) Applications not filed by the expiration date are considered applications for late renewal and are subject to late renewal fees.

(d) Licenses issued from a late renewal application will have an unlicensed period from the expiration date of the previous license to the issuance date of the renewed license. Electrical work that requires a license issued under this chapter shall not be performed during the unlicensed period.

73.24. Licensing Requirements--Waiver of Examination Requirements. (Effective March 1, 2004, 29 TexReg 1653; amended effective October 20, 2005, 30 TexReg 6730; amended effective December 1, 2007, 32 TexReg 8477; amended effective January 1, 2010, 34 TexReg 9433; amended effective January 1, 2014, 38 TexReg 9515)

(a) An applicant who is licensed in another state that has entered into a reciprocity agreement with Texas regarding licensure of electricians, sign electricians, journeyman lineman, or residential appliance installers may obtain an equivalent license in Texas without passing the

examination, provided that all other licensure requirements are met, as defined by Texas Occupations Code, Chapter 1305.

(b) The examination requirement is waived if, based upon acceptable proof, the executive director determines that the provisions of §73.21(b) are met.

(c) Acceptable proof of an applicant's qualifications must be presented on a form prescribed by the department that:

(1) certifies completion of the required hours of on-the-job training under the supervision of a master electrician or master sign electrician as appropriate, or

(2) is completed by the municipality or region in which the applicant was licensed for at least one year.

73.25. Continuing Education. (Effective November 24, 2004, 29 TexReg 10768; amended effective October 20, 2005, 30 TexReg 6730; amended effective December 1, 2007, 32 TexReg 8477; amended effective July 1, 2010, 35 TexReg 5526; amended effective March 15, 2012, 37 TexReg 1703; amended effective January 1, 2014, 38 TexReg 9515)

(a) Terms used in this section have the meanings assigned by Chapter 59 of this title, unless the context indicates otherwise.

(b) For each renewal, an electrical apprentice, electrical sign apprentice, journeyman electrician, master electrician, journeyman sign electrician, master sign electrician, residential wireman, journeyman lineman or maintenance electrician must complete four hours of continuing education in:

(1) the National Electrical Code, as adopted under Title 8, Occupations Code §1305.101, or the current version of the National Electrical Code, as approved by the National Fire Protection Association (NFPA);

(2) state law and rules that regulate the conduct of licensees; and

(3) safety as defined in the National Fire Protection Association (NFPA) 70E.

(c) In lieu of taking four hours of continuing education as required in §73.25(b), an electrical apprentice or electrical sign apprentice may enroll in a department-registered apprenticeship training program.

(d) In the case of timely renewal, the continuing education hours must have been completed, or enrollment must have occurred in a department-registered apprenticeship training program, within the term of the current license. For a late renewal, the continuing education hours must have been completed, or enrollment must have occurred in a department-registered apprenticeship training program, within one year prior to the date of renewal.

(e) A licensee may not receive continuing education credit for attending the same course more than once.

(f) A licensee shall retain a copy of the certificate of completion for a course for one year after the date of completion. In conducting any inspection or investigation of the licensee, the department may examine the licensee's records to determine compliance with this subsection.

(g) To be approved under Chapter 59 of this title, a provider's course must be dedicated to instruction in:

(1) the National Electrical Code, as adopted under Title 8, Occupations Code §1305.101, or the current version of the National Electrical Code, as approved by the National Fire Protection Association (NFPA);

(2) state law and rules that regulate the conduct of licensees; and

(3) safety as defined in the National Fire Protection Association (NFPA) 70E.

(h) To register an apprenticeship training program with the department, a program must:

(1) file a completed application in a form approved by the department;

(2) provide proof to the department that the program is:

(A) recognized by the Texas Workforce Commission or the Texas Higher Education Coordinating Board;

- (B) registered with the United States Department of Labor; or
 - (C) a competency-based standardized craft-training program that meets the training program standards of the United States Department of Labor Office of Apprenticeship; and
- (3) pay the required application fee shown in §73.80.
- (i) A department-registered apprentice training program must maintain the following documents for 24 months after a participant is no longer enrolled in the program:
- (1) participant's program application;
 - (2) proof of participant's program completion;
 - (3) participant's leave of absence, resignation or termination; and
 - (4) other documentation effecting participant's enrollment.
- (j) A department-registered apprentice training program must submit to the department proof of a participant's change in enrollment status within two days of the change. The proof must be in a form approved by the department.
- (k) A department-registered apprentice training program must comply with the requirements of the Act and this chapter and must maintain the requirement of subsection (h)(2).
- (l) A department-registered apprentice training program must annually notify the department, in a form approved by the department, of its intention to continue as a registered program.
- (m) A department-registered apprentice training program must immediately notify the department if it ceases to be registered. The notice must be in a form approved by the department.
- (n) The provisions listed in subsections (b), (c), and (d) are effective for electrical sign apprentice licenses that expire on or after September 1, 2012, and all other licenses, that expire on or after September 1, 2010.

73.26. Documentation of Required On-The-Job Training. (Emergency Rule effective September 13, 2004, 29 TexReg 9081; Adopted effective December 1, 2004, 29 TexReg 11029; amended effective October 20, 2005, 30 TexReg 6730; amended effective January 1, 2010, 34 TexReg 9433; amended effective March 15, 2012, 37 TexReg 1703; amended effective January 1, 2014, 38 TexReg 9515)

(a) Individual applicants for licensure as an electrician, sign electrician, or residential appliance installer may meet requirements for on-the-job training by providing verified proof, in a form acceptable to the department, showing that the applicant has been supervised for the requisite period by one or more persons licensed by any jurisdiction as a master electrician or master sign electrician as appropriate for the license.

(b) A master electrician or master sign electrician shall provide verifiable documentation of the on-the-job training hours of an applicant they have supervised up on the request of the department. This proof must be submitted in a form acceptable to the department.

(c) A journeyman lineman applicant may meet the requirements for training in an apprenticeship program or experience requirements for a journeyman lineman by providing verified proof, in a form acceptable to the department.

73.27. Licensing Requirements--Temporary Apprentices. (Effective October 20, 2005, 30 TexReg 6730)

(a) An applicant for a license as an electrical apprentice or an electrical sign apprentice will be issued a temporary apprentice license, if the applicant:

- (1) has not been convicted of a criminal offense; and,
- (2) pays the required fee.

(b) A temporary license is valid for 21 days and may not be renewed.

73.28. Licensing Requirements--Emergency Licenses. (Effective October 20, 2005, 30 TexReg 6730; amended effective January 1, 2010, 34 TexReg 9433; amended effective January 1, 2014, 38 TexReg 9515)

- (a) The executive director may grant emergency electrician licenses when:
 - (1) in response to an emergency as defined by Gov. Code, §418.004, a state of disaster is declared by;
 - (A) the Governor pursuant to Gov. Code, §418.014; or,
 - (B) the presiding officer of the governing body of a local governmental entity pursuant to Gov. Code, §418.108, and,
 - (2) the executive director determines that a sufficient number of persons holding electrical licenses recognized under Texas Occupations Code, Chapter 1305 is not available to perform electrical work needed to timely respond to the disaster.
- (b) To obtain an emergency license, an applicant must:
 - (1) be currently licensed by another state of the United States to perform electrical work in the licensing state; and,
 - (2) submit a completed application on a form acceptable to the department, along with appropriate attachments and the required fee.
- (c) Emergency licenses will be classified as master, master sign, journeyman, journeyman sign, residential wireman, journeyman lineman, or maintenance electrician and will be issued to applicants at a level equivalent to the license the applicant holds in another state.
- (d) An emergency license will expire ninety days after issuance, and:
 - (1) is valid only in the disaster area designated by the governor, or in the jurisdiction of a local governmental entity declaring a disaster;

(2) is valid only during the time of a declared disaster and its declared recovery period, if any; and

(3) may be renewed for an additional ninety days if:

(A) the declared disaster and any applicable recovery period continue on the eightieth day of the emergency license;

(B) the executive director determines, at that time, that a sufficient number of persons holding electrical licenses recognized under Texas Occupations Code, Chapter 1305 is not available to perform electrical work needed to timely respond to the disaster; and,

(C) submits a completed renewal application on a form acceptable to the department, along with appropriate attachments and the required fee.

(e) A person holding an emergency license must perform electrical work:

(1) on behalf of an electrical contractor, an electrical sign contractor, or an employing governmental entity; and,

(2) in compliance with all applicable statutes, administrative rules, and ordinances.

(f) The fee for emergency licenses will be the amount set out in §73.80 for the class of emergency license issued.

73.30. Exemptions. (Effective March 1, 2004 29 TexReg 1653)

This chapter does not apply to electrical work as provided in the Occupations Code, Section 1305.003.

73.40. Insurance Requirements. (Effective March 1, 2004, 29 TexReg 1653; amended effective October 20, 2005, 30 TexReg 6730; amended effective December 1, 2007, 32 TexReg 8477; amended effective January 1, 2010, 34 TexReg 9433)

(a) Electrical contractors, electrical sign contractors, and residential appliance installation contractors are required to maintain at least the minimum general liability insurance coverages at all times to satisfy proof of financial responsibility.

(1) The insurance must be at least \$300,000 per occurrence (combined for property damage and bodily injury);

(2) be at least \$600,000 aggregate (total amount the policy will pay for property damage and bodily injury coverage); and

(3) be at least \$300,000 aggregate for products and completed operations.

(b) A license applicant or licensee shall file with the department a completed certificate of insurance or other evidence satisfactory to the department when applying for initial and renewal licenses and upon request of the department.

(c) Proof of the required general liability and workers' compensation insurance can be submitted on an industry standard certificate of insurance form with a 30-day cancellation notice. Workers' compensation coverage may be established by a certificate of authority to self-insure, or an applicant may state that it has elected not to obtain workers' compensation coverage.

(d) A licensed contractor shall furnish the name of the insurance carrier, policy number, name, address, and telephone number of the insurance agent with whom the contractor is insured to any customer who requests it.

(e) Insurance must be obtained from an admitted company or an eligible surplus lines carrier, as defined in the Texas Insurance Code, Chapter 981, or other insurance companies that are rated by A.M. Best Company as B+ or higher.

73.51. Electrical Contractors' Responsibilities. (Effective January 1, 2010, 34 TexReg 9433; amended effective March 15, 2012, 37 TexReg 1703; amended effective September 1, 2015, 40 TexReg 5147)

(a) An electrical contractor shall:

(1) notify the department when a new master 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 work shall:

(1) provide safe and proper installation and service, and assure the electro-mechanical integrity of all work and installations are to applicable 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 contractor's electrical work shall be performed by licensed individuals.

(c) The design of an electrical system shall only be done by a licensed master electrician or design professional as authorized by statute. The design shall not be subcontracted to an unlicensed person, firm or corporation.

(d) A licensed electrical 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 "TECL".

(e) All advertising by electrical contracting companies designed to solicit electrical business shall include the electrical contractor's name and license number. This includes business cards. 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 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 contractor's number must be provided upon request;
- (5) promotional items of nominal value such as ball caps, tee shirts, and other gifts; or
- (6) signs located on the contractor's permanent business location.

(f) The electrical 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.tdlr.texas.gov" shall be listed on all proposals, invoices, and written contracts.

(g) A licensed electrical contractor and its designated master 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 contractor shall not use a license that is not assigned to that contractor.

73.52. Electrical Sign Contractors' Responsibilities. (Effective January 1, 2010, 34 TexReg 9433; amended effective March 15, 2012, 37 TexReg 1703; amended effective September 1, 2015, 40 TexReg 5147)

(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.

(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. 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.tdlr.texas.gov" 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; amended effective March 15, 2012, 37 TexReg 1703; amended effective January 1, 2014, 38 TexReg 9515)

All persons must perform non-exempt electrical work, non-exempt electrical sign work, non-exempt journeyman lineman work, or non-exempt residential appliance installation work in compliance with applicable codes and ordinances. The department will interpret applicable codes and ordinances for purposes of enforcement of the Act.

73.54. Residential Appliance Installation Contractors' Responsibilities. (Effective January 1, 2010, 34 TexReg 9433; amended effective September 1, 2015, 40 TexReg 5147)

(a) A residential appliance installation contractor shall:

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

(2) maintain employee 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 residential appliance installation work 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 a residential appliance installation contractor's non-exempt residential appliance installation work shall be performed by licensed individuals.

(c) A licensed residential appliance installation 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 residential appliance installation work. Lettering shall be of a contrasting color and at least two inches in height. The license number shall be preceded by the letters "TICL".

(d) All advertising by residential appliance installation contracting companies designed to solicit residential appliance installation business shall include the residential appliance installation contractor's name and license number. This includes business cards. 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 residential appliance installation 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 a residential appliance installation contractor;

(4) telephone solicitations, provided the solicitor states that the contractor complies with licensing requirements of the state. The residential appliance installation 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.

(e) The residential appliance installation 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.tdlr.texas.gov" or "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.tdlr.texas.gov. TDLR regulation limited to electrical work only." shall be listed on all proposals, invoices, and written contracts.

(f) A licensed residential appliance installation contractor and its designated residential appliance installer 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.

(g) A residential appliance installation contractor shall not use a license that is not assigned to that contractor.

73.60. Standards of Conduct for Engaging in Electrical Work. (Effective January 1, 2010, 34 TexReg 9433; amended effective March 15, 2012, 37 TexReg 1703)

(a) Competency. The licensee shall be knowledgeable of and adhere to the Act, the rules, applicable codes, and all procedures established by the department for licensees. It is the obligation of the licensee to exercise reasonable judgment and skill in the performance of all duties and work performed as a licensee.

(b) Integrity. A licensee shall be honest and trustworthy in the performance of all duties and work performed as a licensee, and shall avoid misrepresentation and deceit in any fashion, whether by acts of commission or omission. Acts or practices that constitute threats, coercion, or extortion are prohibited.

(c) Interest. The primary interest of the licensee is to ensure compliance with the Act, the rules, and all applicable codes. The licensee's position, in this respect, should be clear to all parties concerned while in the performance of all duties and work performed as a licensee.

(d) Specific Rules of Conduct. A licensee shall not:

- (1) participate, whether alone or in concert with others, in any plan, scheme, or arrangement attempting or having as its purpose the evasion of any provision of the Act, the rules, or the standards adopted by the commission;
- (2) furnish inaccurate, deceitful, or misleading information to the department, a consumer, or other person while engaged in the business of electrical contracting, electrical sign contracting, or residential appliance installation contracting, or performing, or offering to perform non-exempt electrical work; or
- (3) engage in any activity that constitutes dishonesty, misrepresentation, or fraud while performing as a licensee.

73.65. Advisory Board. (Effective March 1, 2004, 29 TexReg 1653; amended effective January 1, 2010, 34 TexReg 9433; amended effective March 15, 2012, 37 TexReg 1703)

Board meetings are called by the presiding officer. Meetings in excess of those mandated by the Act may be authorized by the executive director.

73.70. Responsibility of Licensee--Standards of Conduct. (Effective March 1, 2004, 29 TexReg 1653; amended effective October 20, 2005, 30 TexReg 6730; amended effective January 1, 2010, 34 TexReg 9433; amended effective March 15, 2012, 37 TexReg 1703)

- (a) An individual licensee must provide all electrical work requiring a license through a licensed contractor, or employing governmental entity.
- (b) The licensee shall accurately and truthfully represent to any prospective client or employer, the licensee's capabilities and qualifications to perform the services to be rendered.
- (c) The licensee shall not offer to perform, nor perform, technical services for which the licensee is not qualified by education or experience, without securing the services of another who is qualified.
- (d) The licensee shall not evade responsibility to a client or employer.

(e) The licensee shall not agree to perform services if any significant financial or other interest exists that may be in conflict with:

(1) the obligation to render a faithful discharge of such services; or

(2) the service would impair independent judgment in rendering such services.

(f) The licensee should withdraw from employment when it becomes apparent that it is not possible to faithfully discharge the duty and performance of services owed the client or employer, but then only upon reasonable notice to the client or employer.

(g) The licensed contractor shall not engage in advertising that is false, misleading, deceptive, or which does not clearly display the licensee's state license number.

(h) The licensee shall not misrepresent the amount or extent of prior education or experience to any employer or client, or to the department.

(i) The licensee shall not hold out as being engaged in partnership or association with any person unless a partnership or association exists in fact.

(j) Licensees must abide by all laws and rules regulating electricians, including the Standards of Conduct set forth in this section, within any geographic location in this state when performing or offering to perform electrical work.

73.80. Fees. (Effective March 1, 2004, 29 TexReg 1653; amended effective March 1, 2005, 30 TexReg 1074; amended effective October 20, 2005, 30 TexReg 6730; amended effective December 1, 2007, 32 TexReg 8477; amended effective May 15, 2008, 33 TexReg 3740; amended effective November 1, 2008, 33 TexReg 8788; amended effective January 1, 2010, 34 TexReg 9433; amended effective July 1, 2010, 35 TexReg 5526; amended effective March 15, 2012, 37 TexReg 1703; amended effective January 1, 2014, 38 TexReg 9516)

(a) Application fees:

(1) Master Electrician--\$45

(2) Master Sign Electrician--\$45

- (3) Journeyman Electrician--\$30
 - (4) Journeyman Sign Electrician--\$30
 - (5) Journeyman Lineman Electrician--\$30
 - (6) Residential Wireman--\$20
 - (7) Maintenance Electrician--\$20
 - (8) Electrical Contractor--\$110
 - (9) Electrical Sign Contractor--\$110
 - (10) Electrical Apprentice--\$20
 - (11) Electrical Sign Apprentice--\$20
 - (12) Residential Appliance Installer--\$30
 - (13) Residential Appliance Installation Contractor--\$110
 - (14) Apprentice Training Program Registration--\$95
- (b) Renewal fees:
- (1) Master Electrician--\$50 for licenses expiring before February 1, 2014; \$45 for licenses expiring on or after February 1, 2014
 - (2) Master Sign Electrician--\$50 for licenses expiring before February 1, 2014; \$45 for licenses expiring on or after February 1, 2014
 - (3) Journeyman Electrician--\$35 for licenses expiring before February 1, 2014; \$30 for licenses expiring on or after February 1, 2014
 - (4) Journeyman Sign Electrician--\$35 for licenses expiring before February 1, 2014; \$30 for licenses expiring on or after February 1, 2014
 - (5) Journeyman Lineman Electrician--\$30

- (6) Residential Wireman--\$25 for licenses expiring before February 1, 2014; \$20 for licenses expiring on or after February 1, 2014
 - (7) Maintenance Electrician--\$25 for licenses expiring before February 1, 2014; \$20 for licenses expiring on or after February 1, 2014
 - (8) Electrical Contractor--\$115 for licenses expiring before February 1, 2014; \$110 for licenses expiring on or after February 1, 2014
 - (9) Electrical Sign Contractor--\$115 for licenses expiring before February 1, 2014; \$110 for licenses expiring on or after February 1, 2014
 - (10) Electrical Apprentice--\$20
 - (11) Electrical Sign Apprentice--\$20
 - (12) Residential Appliance Installer--\$40 for licenses expiring before February 1, 2014; \$30 for licenses expiring on or after February 1, 2014
 - (13) Residential Appliance Installation Contractor--\$115 for licenses expiring before February 1, 2014; \$110 for licenses expiring on or after February 1, 2014.
- (c) Late Renewal Fees. Late renewal fees for licenses issued under this chapter are provided under §60.83 of this title (relating to Late Renewal Fees).
- (d) Revised/Duplicate License/Certificate/Permit/Registration fees:
- (1) All licenses except as set out below--\$25
 - (2) Electrical Apprentice--\$20
 - (3) Electrical Sign Apprentice--\$20
 - (4) Residential Wireman--\$20
 - (5) Maintenance Electrician--\$20
- (e) All fees are non-refundable.

73.90. Sanctions--Administrative Sanctions/Penalties. (Effective March 1, 2004, 29 TexReg 1653; amended effective December 1, 2007, 32 TexReg 8477; amended effective January 1, 2010, 34 TexReg 9433)

If a person or entity violates any provision of Title 8, Texas Occupations Code, Chapter 1305, any provision of Title 16, Texas Administrative Code, Chapter 73, or any provision of an order of the executive director or commission, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both administrative penalties and sanctions in accordance with the provisions of Title 8, Texas Occupations Code, Chapters 51 and 1305.

73.91. Enforcement Authority. (Effective January 1, 2010, 34 TexReg 9433)

The enforcement authority granted under Texas Occupations Code, Chapters 51 and 1305 and any associated rules may be used to enforce Texas Occupations Code, Chapter 1305 and this chapter.

73.100. Technical Requirements. (Effective March 1, 2004, 29 TexReg 1653; amended effective July 3, 2005, 30 TexReg 3727; amended effective March 1, 2008, 33 TexReg 1525; amended effective September 1, 2011, 36 TexReg 5361; amended effective January 1, 2014, 38 TexReg 9515)

Effective September 1, 2014 the Department adopts the National Electrical Code, 2014 Edition as it existed on August 21, 2013, as adopted by the National Fire Protection Association, Inc.

NFPA 70E

Changes to Article 110

Paragraph 110.1(C)(1) Relationships with Contractors

The required meeting between host employer and external contractor now has to be documented.

Paragraph 110.2(C) Training Requirements for Emergency Procedures

Employees who are electrically qualified or are responsible to respond to an electrical accident have another certification requirement. Automatic external defibrillator (AED) training shall be certified by the employer annually in addition to the prior resuscitation and CPR training.

Paragraph 110.2(D)(1)(f) Qualified Person Training Compliance

The employer shall use regular supervision or inspections on at least an annual frequency to determine employee compliance with this standard. The OSHA law of CFR 1910.269(a)(2)(iii) is stricter, requiring supervision AND inspections.

Paragraph 110.2(D)(3) Employee Retraining

In addition to retraining for non compliance, new equipment, or unfamiliar procedures, retraining shall be performed every three years or more frequently.

Paragraph 110.2(E) Training Documentation

The employer must now retain a description of training content in addition the employees' names and date of the training.

Paragraph 110.3(H) Electrical Safety Auditing

This new section requires the employer's electrical safety program be audited at least every three years. This audit is to include field work, not just a review of paperwork. If discrepancies are identified in the audit, appropriate changes in training or procedures shall be implemented. The audit shall be documented.

Paragraph 110.4(C) Ground Fault Circuit Interrupter (GFCI) Protection

Wherever GFCI protection is required by other applicable standards, it is also required by 70E. Similar to OSHA requirements, outdoor use of portable equipment supplied by 125 volt 15, 20, or 30 amp circuits shall be protected by GFCIs. With other outdoor equipment an assured grounding conductor program shall be implemented. [An example of a program is in the NEC 590.6(B)(2).]

Paragraph 110.5 Excavation of Underground Electrical Lines

If there is a reasonable possibility that excavation could contact an electrical line or equipment, the owners of the equipment shall be contacted to determine and mark the location and hazards. Then a hazard analysis shall be performed for safety practices during the excavation.

Paragraph 130.5(C) Arc Flash Hazard Analysis Equipment Labeling

The required labeling has significantly changed. The 2009 edition started the requirement for arc flash analysis equipment labeling. This prior edition only required field marking on equipment displaying available incident energy or required level of PPE. The new edition is more specific with the equipment requiring labels. Only equipment that would be worked on in an energized state requires the labeling. The labels have to include the following three lines of information:

- 1) At least one of the following
 - a. Available incident energy and the corresponding working distance or
 - b. Minimum arc rating of clothing or
 - c. Required level of PPE or
 - d. Highest Hazard/Risk Category (HRC) for the equipment
- 2) Nominal system voltage
- 3) Arc flash boundary

The one exception is that if the labels were applied prior to September 30, 2011, they are acceptable if they contain the available incident energy or required level of PPE. The method of calculating and supporting data shall be documented.

Paragraph 130.7(A) and (C)(15) Informational Notes 2 Safe Normal Operation of Equipment

The informational note of 130.7(A) declares that properly maintained electrical equipment rated not more than 600 volts is not likely to present a hazard to workers. This contrasts with

Informational Note 2 of section 130.7(C)(15) where the equipment is expected to change state. In this case the equipment closed doors do not provide enough protection without PPE.

Paragraph 130.7(C)(5) Additional Requirement for Hearing Protection

Employees shall wear hearing protection when working within the arc-flash boundary. The existing requirement has been to wear hearing protection in HRC 0 or higher locations if performing a listed task.

Paragraph 130.7(C)(9) Restriction with Arc Rated Clothing Systems Using other Clothing

The rating of a clothing system cannot be increased by use of non-arc rated clothing.

Paragraph 130.7(C)(10)(b) New Requirements for Head Protection

An arc-rated balaclava shall be used with an arc-rated faceshield when the back of the head is within the arc flash boundary. An arc-rated hood shall be permitted to be used instead of an arc-rated faceshield and balaclava. An arc-rated hood shall be used when the anticipated incident energy exposure exceeds 12 cal/cm².

Paragraph 130.7(C)(10)(d) Modified Requirements for Hand Protection

The requirement for leather gloves or FR gloves was changed to heavy duty leather gloves or arc rated (AR) gloves. The Informational Note describes what is considered a heavy duty leather glove.

Table 130.7(C)(15)(a) Hazard Risk Categories with AC Voltages

This table name was changed from 130.7(C)(9) to 130.7(C)(15)(a). The content changed as follows:

- 1) The conditions of applicability were relocated from footnotes to the equipment headings. For example, a panelboard with voltages >240 up to 600 has a maximum of 25kA short current available, maximum clearing time of upstream protection of 2 cycles, and a minimum working

distance of 18 inches. If the equipment does not conform to the conditions, the calculation method must be used for incident energy analysis per 130.7(C)(15).

- 2) The equipment descriptions now include the arc flash boundary distance based on the conditions of applicability.
- 3) The hazard risk category (HRC) 2* was replaced with HRC 2. In essence HRCs 2 and 2* were combined and the stricter PPE requirements of HRC 2* now apply to the HRC 2.
- 4) The prior equipment category of “Panelboards or Switchboards Rated >240 V and up to 600 V” was modified to “Panelboards or other equipment rated >240 V and up to 600 V,” deleting “Switchboards.”
- 5) The equipment category 600 V class motor control center (MCC) was split into two sections with differing conditions.

The first category pertains to working within the buckets.

The second section pertains to interacting with a bus.

Table 130.7(C)(15)(b) New Hazard Risk Categories with DC Voltages

A new table for hazard risk categories was added for DC equipment. It is in a similar format as the AC equipment table.

The maximum voltage range included is 600 volts DC. Guidance is given in Informative Annex D in section D.8 on calculating DC incident energy where the equipment is not covered in the new table.

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