

**SUBJECT:** Permitting TDLR to use contractors to review and investigate complaints

**COMMITTEE:** Licensing and Administrative Procedures — committee substitute recommended

**VOTE:** 9 ayes — T. King, Goldman, Geren, Guillen, Harless, Hernandez, K. King, Paddie, S. Thompson

0 nays

2 absent — Herrero, Kuempel

**WITNESSES:** For — (*Registered, but did not testify*: Shannon Noble, Texas Air Conditioning Contractors Association)

Against — None

On — (*Registered, but did not testify*: Christina Kaiser, Texas Department of Licensing and Regulation)

**BACKGROUND:** Occupations Code sec. 51.252(b) requires the Texas Department of Licensing and Regulation (TDLR) to maintain a file on each written complaint received.

Interested parties note that specific and technical knowledge related to a program may be required to understand and resolve issues arising from complaints and that the process could benefit from assistance from qualified experts.

**DIGEST:** CSHB 2452 would allow the Texas Department of Licensing and Regulation (TDLR) to contract with a qualified individual to assist with reviewing and investigating complaints.

Except for an act involving fraud, conspiracy, or malice, the contractor would be immune from liability and could not be subject to a suit for damages for:

- participating in an informal conference to determine the facts of a complaint;
- evaluating evidence in a complaint and offering an expert opinion or technical guidance on an alleged violation of a law or rule administered by TDLR or the Texas Commission on Licensing and Regulation;
- testifying at a hearing regarding a complaint; or
- making an evaluation, report, or recommendation regarding a complaint.

TDLR could accept, but would not be required to investigate, a complaint that lacked sufficient information to identify the source or the name of the person who filed the complaint.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.