

BILL ANALYSIS

Senate Research Center

H.B. 2742
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Agriculture & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a person in the "business of structural pest control" may not operate without a structural pest control business license. A license holder is required to follow certain environmental, insurance, and advertising regulations and is subject to regular inspections.

Section 1951.003 (Business of Structural Pest Control), Occupations Code, defines a person in the "business of structural pest control" as someone who identifies pest infestations or makes inspections of them, makes inspection reports on infestation, or makes contracts or submits bids on infestation-related services for compensation. It does not take into account those businesses that may be advertising for pest control services or offering those services for compensation. As a result, the Texas Department of Agriculture is prohibited from citing unlicensed businesses that go unregulated in the pest control industry unless the business is caught in the act of performing pest control services.

H.B. 2742 amends current law relating to the business of structural pest control.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1951.003, Occupations Code, as follows:

Sec. 1951.003. BUSINESS OF STRUCTURAL PEST CONTROL. (a) Provides that, in this chapter, a person is engaged in the "business of structural pest control" if the person performs, offers to perform, or advertises for or solicits the person's performance of any of the following services for compensation, including services performed as a part of the person's employment:

(1) identifying infestations or making inspections for the purpose of identifying or attempting to identify infestations of:

(A) arthropods, including insects, spiders, mites, ticks, and related pests, wood-infesting organisms, rodents, weeds, nuisance birds, and any other obnoxious or undesirable animals that may infest households, railroad cars, ships, docks, trucks, airplanes, or other structures or their contents; or

(B) pests or diseases of trees, shrubs, or other plantings in a park or adjacent to a residence, business establishment, industrial plant, institutional building, or street;

(2) making oral or written inspection reports, recommendations, estimates, or bids with respect to an infestation described by Subdivision (1); or

(3) making contracts, or submitting bids based on an inspection for services or performing services designed to prevent, control, or eliminate an infestation described by Subdivision (1) by the use of insecticides, pesticides, rodenticides, fumigants, allied chemicals or substances, or mechanical devices.

(b) Makes no changes to this subsection.

SECTION 2. Effective date: upon passage or September 1, 2011.