

BILL ANALYSIS

Senate Research Center
83R11148 ATP-D

H.B. 762
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Economic Development
4/29/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 82nd Legislature passed H.B. 1711 amending the Business and Commerce Code to prohibit a disaster remediation contractor from requiring a person to make a full or partial payment under a contract before the contractor begins work and from requiring that the amount of any partial payment under the contract exceed an amount reasonably proportionate to the work performed, including any materials delivered. The bill required a disaster remediation contract subject to the bill's provisions to be in writing and to reference the prohibited actions. The bill made a violation of these provisions a deceptive trade practice and prohibited a person from waiving the provisions by contract or other means. It applies to disasters declared by the governor. H.B. 762 extends the same provisions to a local disaster declared by a county judge.

H.B. 762 amends current law relating to restrictions on disaster remediation contracts following a locally declared disaster.

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 57.001(3), Business & Commerce Code, as added by Chapter 979 (H.B. 1711), Acts of the 82nd Legislature, Regular Session, 2011, to redefine "natural disaster" to mean the occurrence of widespread or severe damage, injury, or loss of life or property related to any natural cause, including fire, flood, earthquake, wind, storm, or wave action, that results in a disaster declaration by the governor or a local disaster declaration by a county judge under Chapter 418 (Emergency Management), Government Code.

SECTION 2. Effective date: September 1, 2013.