

BILL ANALYSIS

Senate Research Center
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H.B. 1586
By: King, Tracy O. (Estes)
Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties have expressed a need to strengthen the Texas Department of Agriculture's ability to take administrative action against individuals advertising and contracting for pest control services without a pest control license and the required training, criminal background checks, and insurance. H.B. 1586 seeks to do so by clarifying the service-related activities for which a person is considered to be engaged in the business of structural pest control.

H.B. 1586 amends current law relating to the services that require a structural pest control license and changes the applicability of an occupational license.

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) Deletes existing text providing that, in this chapter (Structural Pest Control), 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 part of the person's employment. Provides that Subsection (b) applies to the following services:

(1) and (2) makes no changes to these subdivisions; or

(3) making contracts, or submitting bids for services, rather than making contracts or submitting bids based on an inspection for services, or performing services designed to perform certain actions related to an infestation.

(b) Provides that a person is engaged in the "business of structural pest control" and required to hold a license under this chapter if the person advertises or solicits to perform any service described by Subsection (a) or performs or offers to perform for compensation any service described by Subsection (a), including a service performed as part of the person's employment.

(c) Creates this subsection from existing text. Provides that a person is not engaged in the business of structural pest control if the person is a clerical employee or a manual laborer and the person does not, among certain other conditions, advertise or solicit to perform any service described by Subsection (a). Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2017.