

## **BILL ANALYSIS**

Senate Research Center  
85R3380 BEF-F

S.B. 1393  
By: Estes  
Business & Commerce  
4/27/2017  
As Filed

### **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. S.B. 1393 does so by clarifying the service-related activities for which a person is considered to be engaged in the business of structural pest control.

As proposed, S.B. 1393 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) Provides that Subsection (b) applies to certain services, rather than 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 certain services for compensation, including services performed as a part of the person's employment.

(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) Redesignates existing text of Subsection (b) as Subsection (c). 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 meet certain criteria, including that the person does not advertise or solicit to perform any service described by Subsection (a). Makes a nonsubstantive change.

SECTION 2. Makes application of this Act prospective.

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