

1-1 By: King of Uvalde (Senate Sponsor - Estes) H.B. No. 1586
 1-2 (In the Senate - Received from the House May 5, 2017;
 1-3 May 5, 2017, read first time and referred to Committee on Business
 1-4 & Commerce; May 11, 2017, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 11, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the services that require a structural pest control
 1-20 license; changing the applicability of an occupational license.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 1951.003, Occupations Code, is amended
 1-23 to read as follows:

1-24 Sec. 1951.003. BUSINESS OF STRUCTURAL PEST CONTROL. (a)
 1-25 ~~Subsection (b) applies to [In this chapter, a person is engaged in~~
 1-26 ~~the "business of structural pest control" if the person performs,~~
 1-27 ~~offers to perform, or advertises for or solicits the person's~~
 1-28 ~~performance of any of] the following services [for compensation,~~
 1-29 ~~including services performed as a part of the person's employment]:~~

1-30 (1) identifying infestations or making inspections
 1-31 for the purpose of identifying or attempting to identify
 1-32 infestations of:

1-33 (A) arthropods, including insects, spiders,
 1-34 mites, ticks, and related pests, wood-infesting organisms,
 1-35 rodents, weeds, nuisance birds, and any other obnoxious or
 1-36 undesirable animals that may infest households, railroad cars,
 1-37 ships, docks, trucks, airplanes, or other structures or their
 1-38 contents; or

1-39 (B) pests or diseases of trees, shrubs, or other
 1-40 plantings in a park or adjacent to a residence, business
 1-41 establishment, industrial plant, institutional building, or
 1-42 street;

1-43 (2) making oral or written inspection reports,
 1-44 recommendations, estimates, or bids with respect to an infestation
 1-45 described by Subdivision (1); or

1-46 (3) making contracts, or submitting bids ~~[based on an~~
 1-47 ~~inspection]~~ for services or performing services designed to
 1-48 prevent, control, or eliminate an infestation described by
 1-49 Subdivision (1) by the use of insecticides, pesticides,
 1-50 rodenticides, fumigants, allied chemicals or substances, or
 1-51 mechanical devices.

1-52 (b) A person is engaged in the "business of structural pest
 1-53 control" and required to hold a license under this chapter if the
 1-54 person:

1-55 (1) advertises or solicits to perform any service
 1-56 described by Subsection (a); or

1-57 (2) performs or offers to perform for compensation any
 1-58 service described by Subsection (a), including a service performed
 1-59 as part of the person's employment.

1-60 (c) A person is not engaged in the business of structural
 1-61 pest control if the person is a clerical employee or a manual

2-1 laborer and the person does not:
2-2 (1) identify pests;
2-3 (2) make inspections, recommendations, estimates,
2-4 bids, or contracts;
2-5 (3) provide estimates, bids, or contracts based on an
2-6 inspection; ~~or~~
2-7 (4) apply insecticides, pesticides, rodenticides,
2-8 fumigants, allied chemicals, or other related substances regulated
2-9 by the department; or
2-10 (5) advertise or solicit to perform any service
2-11 described by Subsection (a).

2-12 SECTION 2. The changes in law made by this Act apply only to
2-13 conduct that occurs on or after the effective date of this Act.
2-14 Conduct that occurs before the effective date of this Act is
2-15 governed by the law in effect when the conduct occurs, and the
2-16 former law is continued in effect for that purpose.

2-17 SECTION 3. This Act takes effect immediately if it receives
2-18 a vote of two-thirds of all the members elected to each house, as
2-19 provided by Section 39, Article III, Texas Constitution. If this
2-20 Act does not receive the vote necessary for immediate effect, this
2-21 Act takes effect September 1, 2017.

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