

Amend CSHB 730 (Senate committee printing) as follows:

(1) In SECTION 1.01 of the bill, in added Subtitle C, Title 16, Property Code, insert the following chapter (page 8, between lines 59 and 60):

CHAPTER 417. CERTIFICATION OF RESIDENTIAL
CONSTRUCTION ARBITRATORS

Sec. 417.001. CERTIFICATION. (a) The commission by rule shall establish eligibility requirements and procedures for a person to be certified by the commission as a residential construction arbitrator.

(b) The requirements established under this section must, at a minimum, require a certified arbitrator to:

(1) have at least five years' experience in conducting arbitrations between homeowners and builders involving construction defects;

(2) be familiar with the statutory warranties and building and performance standards established under Chapter 430 and with the provisions of Chapter 27; and

(3) meet continuing education requirements established by the commission.

(c) Nothing in the chapter prohibits an arbitrator who does not hold a certificate under this chapter from conducting an arbitration involving a residential construction defect.

Sec. 417.002. APPLICATION FOR CERTIFICATION. An applicant for certification under this chapter or for renewal of that certification must submit an application on a form prescribed by the commission and include the fee required by Section 417.003.

Sec. 417.003. FEES. The commission shall charge and collect:

(1) a filing fee for an application for certification under this chapter that does not exceed \$100; and

(2) a fee for renewal of a certification under this chapter that does not exceed \$50.

Sec. 417.004. PUBLICATION AND COMMENT PERIOD; CERTIFICATION. (a) The commission shall publish notice of each applicant's original application for certification under this chapter in the Texas Register and allow public comment on the

application during the 21 days after the date the notice is published. During that period, any person may contest the application in writing submitted to the commission.

(b) If the commission finds that certification of the applicant is in the public interest, the commission shall certify the applicant under this chapter.

Sec. 417.005. DENIAL OF CERTIFICATION. The commission shall establish procedures under which a denial of a certification under this chapter may be contested by the applicant.

Sec. 417.006. EXPIRATION OF CERTIFICATION. The commission may issue or renew a certification under this chapter for a period that does not exceed 24 months.

Sec. 417.007. LIST OF CERTIFIED ARBITRATORS. The commission shall maintain an updated list of residential construction arbitrators certified under this chapter and make the list available to the public.

(2) In SECTION 1.01 of the bill, in added Section 417.001(1), Property Code (page 8, lines 63 and 64), strike "certificate of registration" and substitute "registration or certification under this subtitle".

(3) In SECTION 1.01 of the bill, in added Section 417.002, Property Code, strike "certificate of registration" wherever it appears and substitute "registration or certification" (page 9, lines 21-23).

(4) In SECTION 1.01 of the bill, in added Section 417.002, Property Code, strike "certificate holder" and substitute "registered or certified person" (page 9, lines 24 and 25).

(5) In SECTION 1.01 of the bill, in added Chapter 418, Property Code, strike "certificate holder" wherever it appears and substitute "registered or certified person" (page 9, line 46, and page 10, lines 1 and 2).

(6) In ARTICLE 1 of the bill, insert the following appropriately numbered SECTION:

SECTION _____. On or before March 1, 2004, the Texas Residential Construction Commission shall begin certifying arbitrators under Chapter 417, Property Code, as added by this article.

(7) Renumber and reletter appropriately.