

By: Quintanilla

H.B. No. 972

A BILL TO BE ENTITLED

AN ACT

1
2 relating to inclusion on certain advertising documents of the
3 license or certificate of registration number of certain
4 individuals regulated by this state who solicit business in
5 consumers' homes; providing a civil penalty.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Title 2, Occupations Code, is amended by adding
8 Chapter 60 to read as follows:

9 CHAPTER 60. GENERAL LICENSING AND REGISTRATION REQUIREMENTS

10 Sec. 60.001. SOLICITATION AT CONSUMER'S HOME. (a) In this
11 section, "solicit business" means to advertise an individual's
12 business practice, for which the individual is required to hold a
13 license or certificate of registration issued by a state regulatory
14 agency, to a consumer at the consumer's home in person, over a
15 telephone, through a salesperson, or through a written
16 communication mailed, e-mailed, or otherwise delivered.

17 (b) A state regulatory agency that determines that the
18 individuals licensed or registered by the agency solicit business
19 in consumers' homes as a regular business practice shall adopt
20 rules requiring each individual licensed or registered by the
21 agency to prominently display the individual's license or
22 certificate of registration number on any document, advertisement,
23 business card, or logo provided by the individual to a consumer as
24 part of an effort to solicit business from the consumer.

1 (c) An individual who holds a license or certificate of
2 registration issued by a state regulatory agency that adopts rules
3 under Subsection (b) shall prominently display the individual's
4 license or certificate number on any document, advertisement,
5 business card, or logo provided by the individual to a consumer as
6 part of an effort to solicit business from the consumer.

7 Sec. 60.002. CIVIL PENALTY. (a) An individual is liable to
8 this state for a civil penalty of not more than \$1,000 for each
9 violation if the individual:

10 (1) violates Section 60.001 or a rule adopted by a
11 state regulatory agency to enforce that section;

12 (2) represents that an expired license or certificate
13 of registration issued by a state regulatory agency is valid; or

14 (3) displays a counterfeit license or certificate of
15 registration or uses a counterfeit license or certificate number in
16 any document provided to the public.

17 (b) The amount of the penalty shall be based on:

18 (1) the seriousness of the violation;

19 (2) the history of previous violations;

20 (3) the amount necessary to deter a future violation;

21 and

22 (4) any other matter that justice may require.

23 (c) The attorney general may sue to collect a civil penalty
24 under this section. In the suit the attorney general may recover,
25 on behalf of the state, the reasonable expenses incurred in
26 obtaining the penalty, including investigation and court costs,
27 reasonable attorney's fees, witness fees, and other expenses.

1 SECTION 2. Not later than December 1, 2009, a state
2 regulatory agency or the governing body of a state regulatory
3 agency, as appropriate, to which Chapter 60, Occupations Code, as
4 added by this Act, applies shall adopt the rules necessary to
5 implement that chapter.

6 SECTION 3. Notwithstanding Chapter 60, Occupations Code, as
7 added by this Act, an individual subject to that chapter is not
8 required to include the individual's license or certificate number
9 on documents provided to the public before January 1, 2010.

10 SECTION 4. This Act takes effect September 1, 2009.