

1-1 By: King of Zavala (Senate Sponsor - Wentworth) H.B. No. 3129  
1-2 (In the Senate - Received from the House April 23, 2009;  
1-3 April 24, 2009, read first time and referred to Committee on  
1-4 Business and Commerce; May 14, 2009, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 5,  
1-6 Nays 0; May 14, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3129 By: Harris

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the regulation of certain consumer transactions  
1-11 involving plumbing, air conditioning, and electrical services.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 1301, Occupations Code, is  
1-14 amended by adding Section 1301.004 to read as follows:

1-15 Sec. 1301.004. NONAPPLICABILITY OF LAW GOVERNING  
1-16 CANCELLATION OF CERTAIN TRANSACTIONS. Except as otherwise provided  
1-17 by this section, Chapter 601, Business & Commerce Code, does not  
1-18 apply to a good or service provided by a license holder under this  
1-19 chapter if the transaction involving the good or service is  
1-20 initiated by the consumer. Chapter 601, Business & Commerce Code,  
1-21 does apply to a transaction that involves a breach of express  
1-22 warranty or a negligent installation in violation of a building  
1-23 code applicable to the good or service sold to the consumer.

1-24 SECTION 2. Subchapter A, Chapter 1302, Occupations Code, is  
1-25 amended by adding Section 1302.003 to read as follows:

1-26 Sec. 1302.003. NONAPPLICABILITY OF LAW GOVERNING  
1-27 CANCELLATION OF CERTAIN TRANSACTIONS. Except as otherwise provided  
1-28 by this section, Chapter 601, Business & Commerce Code, does not  
1-29 apply to a good or service provided by a license holder under this  
1-30 chapter if the transaction involving the good or service is  
1-31 initiated by the consumer. Chapter 601, Business & Commerce Code,  
1-32 does apply to a transaction that involves a breach of express  
1-33 warranty or a negligent installation in violation of a building  
1-34 code applicable to the good or service sold to the consumer.

1-35 SECTION 3. Subchapter A, Chapter 1305, Occupations Code, is  
1-36 amended by adding Section 1305.004 to read as follows:

1-37 Sec. 1305.004. NONAPPLICABILITY OF LAW GOVERNING  
1-38 CANCELLATION OF CERTAIN TRANSACTIONS. Except as otherwise provided  
1-39 by this section, Chapter 601, Business & Commerce Code, does not  
1-40 apply to a good or service provided by a license holder under this  
1-41 chapter if the transaction involving the good or service is  
1-42 initiated by the consumer. Chapter 601, Business & Commerce Code,  
1-43 does apply to a transaction that involves a breach of express  
1-44 warranty or a negligent installation in violation of a building  
1-45 code applicable to the good or service sold to the consumer.

1-46 SECTION 4. This Act takes effect immediately if it receives  
1-47 a vote of two-thirds of all the members elected to each house, as  
1-48 provided by Section 39, Article III, Texas Constitution. If this  
1-49 Act does not receive the vote necessary for immediate effect, this  
1-50 Act takes effect September 1, 2009.

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