

SENATE AMENDMENTS

2nd Printing

By: King of Zavala

H.B. No. 3129

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 1301.004. NONAPPLICABILITY OF LAW GOVERNING CANCELLATION OF CERTAIN TRANSACTIONS. Chapter 39, Business & Commerce Code, does not apply to a good or service provided by a license holder under this chapter if the transaction involving the good or service is initiated by the consumer.

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

Sec. 1302.003. NONAPPLICABILITY OF LAW GOVERNING CANCELLATION OF CERTAIN TRANSACTIONS. Chapter 39, Business & Commerce Code, does not apply to a good or service provided by a license holder under this chapter if the transaction involving the good or service is initiated by the consumer.

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

Sec. 1305.004. NONAPPLICABILITY OF LAW GOVERNING CANCELLATION OF CERTAIN TRANSACTIONS. Chapter 39, Business & Commerce Code, does not apply to a good or service provided by a license holder under this chapter if the transaction involving the

1 good or service is initiated by the consumer.

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

ADOPTED

MAY 21 2009

Leta Spaw
Secretary of the Senate

By: Wentworth

H.B. No. 3129

Substitute the following for ___B. No. ___:

By: Chris Harris

C.S. H.B. No. 3129

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1 AN ACT
2 relating to the regulation of certain consumer transactions
3 involving plumbing, air conditioning, and electrical services.

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

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

7 Sec. 1301.004. NONAPPLICABILITY OF LAW GOVERNING
8 CANCELLATION OF CERTAIN TRANSACTIONS. Except as otherwise provided
9 by this section, Chapter 601, Business & Commerce Code, does not
10 apply to a good or service provided by a license holder under this
11 chapter if the transaction involving the good or service is
12 initiated by the consumer. Chapter 601, Business & Commerce Code,
13 does apply to a transaction that involves a breach of express
14 warranty or a negligent installation in violation of a building
15 code applicable to the good or service sold to the consumer.

16 SECTION 2. Subchapter A, Chapter 1302, Occupations Code, is
17 amended by adding Section 1302.003 to read as follows:

18 Sec. 1302.003. NONAPPLICABILITY OF LAW GOVERNING
19 CANCELLATION OF CERTAIN TRANSACTIONS. Except as otherwise provided
20 by this section, Chapter 601, Business & Commerce Code, does not
21 apply to a good or service provided by a license holder under this
22 chapter if the transaction involving the good or service is
23 initiated by the consumer. Chapter 601, Business & Commerce Code,
24 does apply to a transaction that involves a breach of express

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1 warranty or a negligent installation in violation of a building
2 code applicable to the good or service sold to the consumer.

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

5 Sec. 1305.004. NONAPPLICABILITY OF LAW GOVERNING
6 CANCELLATION OF CERTAIN TRANSACTIONS. Except as otherwise provided
7 by this section, Chapter 601, Business & Commerce Code, does not
8 apply to a good or service provided by a license holder under this
9 chapter if the transaction involving the good or service is
10 initiated by the consumer. Chapter 601, Business & Commerce Code,
11 does apply to a transaction that involves a breach of express
12 warranty or a negligent installation in violation of a building
13 code applicable to the good or service sold to the consumer.

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

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3129 by King, Tracy O. (Relating to the regulation of certain consumer transactions involving plumbing, air conditioning, and electrical services.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation, 456 Board of Plumbing Examiners

LBB Staff: JOB, SD, JRO, ES

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 13, 2009

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3129 by King, Tracy O. (Relating to the regulation of certain consumer transactions involving plumbing, air conditioning, and electrical services.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation, 456 Board of Plumbing Examiners

LBB Staff: JOB, JRO, ES

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 27, 2009

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3129 by King, Tracy O. (Relating to the regulation of certain consumer transactions involving plumbing, air conditioning, and electrical services.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation, 456 Board of Plumbing Examiners

LBB Staff: JOB, JRO, ES

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 31, 2009

TO: Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3129 by King, Tracy O. (Relating to the regulation of certain consumer transactions involving plumbing, air conditioning, and electrical services.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation, 456 Board of Plumbing Examiners

LBB Staff: JOB, JRO, ES