

BILL ANALYSIS

C.S.H.B. 1347
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Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Legislature created the Texas Residential Construction Commission (TRCC) to oversee the construction industry in Texas and protect consumers, in part by helping to settle disputes between homeowners and builders. The TRCC registered home builders and charged fees for initial and renewal registrations. The legislature subsequently abolished the TRCC. By that time, Texas builders had registered and paid the required fees for registrations that extended beyond the date on which the TRCC ceased to exist. C.S.H.B. 1347 addresses this issue by providing for a refund of fees paid by home builders for registrations that did not expire before the date on which the TRCC ceased to exist.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the comptroller of public accounts in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1347 requires the comptroller of public accounts to pay to a builder a refund of the portion of a fee paid by the builder after June 1, 2009, to the Texas Residential Construction Commission (TRCC) under an expired Property Code provision for an original or renewed certificate of registration to act as a builder that did not expire before September 1, 2009, which portion is allocable to the number of months remaining in the registration period under the certificate after August 31, 2009. The bill makes this requirement applicable only if the builder submits a written request for the refund and proof of the registration and the payment of the fee. The bill makes its provisions inapplicable to a fee prorated by the TRCC on or after June 10, 2009. The bill authorizes the comptroller to adopt rules to implement the bill's provisions and sets the bill's provisions to expire September 1, 2012.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1347 differs from the original by making its provisions apply to a fee paid by a builder after June 1, 2009, whereas the original does not condition application of its provisions on the date the fee was paid.

C.S.H.B. 1347 contains a provision not included in the original making payment of a refund contingent on the builder submitting a written request for the refund and proof of the registration and payment of the fee.

C.S.H.B. 1347 contains a provision not included in the original making its provisions inapplicable to a fee prorated by the Texas Residential Construction Commission on or after

June 10, 2009.

C.S.H.B. 1347 differs from the original by setting the bill's provisions to expire September 1, 2012, rather than September 1, 2014, as in the original.