

BILL ANALYSIS

H.B. 2741
By: Kleinschmidt
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In the past, it has been reported that there have been problems with certain pest control companies advertising under a name that is different than the name under which the company is licensed. Interested parties note that this is misleading to the public and that, if a person wishes to file a complaint against such a company, the person will not be able to file the complaint under the correct company name. H.B. 2741 seeks to address this issue by making statutory changes relating to rules requiring a license name in all advertising of a structural pest control business.

RULEMAKING AUTHORITY

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

ANALYSIS

H.B. 2741 amends the Occupations Code to specify, in provisions of law relating to the adoption of rules by the Department of Agriculture (TDA) restricting advertising or competitive bidding by a structural pest control business, that those provisions apply to such activities by a person subject to regulation by the department under state laws governing structural pest control, rather than to a person regulated by the TDA under those laws.

H.B. 2741 creates an exception to the provision prohibiting a rule adopted by the TDA from restricting a person's advertisement of a structural pest control business under a trade name by authorizing the department to adopt a rule requiring the license name of a pest control business on all advertising.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.