

1-1 By: Kleinschmidt (Senate Sponsor - Estes) H.B. No. 2742
1-2 (In the Senate - Received from the House May 6, 2011;
1-3 May 9, 2011, read first time and referred to Committee on
1-4 Agriculture and Rural Affairs; May 17, 2011, reported favorably by
1-5 the following vote: Yeas 4, Nays 0; May 17, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the business of structural pest control.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 1951.003, Occupations Code, is amended
1-11 to read as follows:

1-12 Sec. 1951.003. BUSINESS OF STRUCTURAL PEST CONTROL.

1-13 (a) In this chapter, a person is engaged in the "business of
1-14 structural pest control" if the person performs, offers to perform,
1-15 or advertises for or solicits the person's performance of any of the
1-16 following services for compensation, including services performed
1-17 as a part of the person's employment:

1-18 (1) identifying infestations or making inspections
1-19 for the purpose of identifying or attempting to identify
1-20 infestations of:

1-21 (A) arthropods, including insects, spiders,
1-22 mites, ticks, and related pests, wood-infesting organisms,
1-23 rodents, weeds, nuisance birds, and any other obnoxious or
1-24 undesirable animals that may infest households, railroad cars,
1-25 ships, docks, trucks, airplanes, or other structures or their
1-26 contents; or

1-27 (B) pests or diseases of trees, shrubs, or other
1-28 plantings in a park or adjacent to a residence, business
1-29 establishment, industrial plant, institutional building, or
1-30 street;

1-31 (2) making oral or written inspection reports,
1-32 recommendations, estimates, or bids with respect to an infestation
1-33 described by Subdivision (1); or

1-34 (3) making contracts, or submitting bids based on an
1-35 inspection for services or performing services designed to prevent,
1-36 control, or eliminate an infestation described by Subdivision (1)
1-37 by the use of insecticides, pesticides, rodenticides, fumigants,
1-38 allied chemicals or substances, or mechanical devices.

1-39 (b) A person is not engaged in the business of structural
1-40 pest control if the person is a clerical employee or a manual
1-41 laborer and the person does not:

1-42 (1) identify pests;

1-43 (2) make inspections, recommendations, estimates,
1-44 bids, or contracts;

1-45 (3) provide estimates, bids, or contracts based on an
1-46 inspection; or

1-47 (4) apply insecticides, pesticides, rodenticides,
1-48 fumigants, allied chemicals, or other related substances regulated
1-49 by the department.

1-50 SECTION 2. This Act takes effect immediately if it receives
1-51 a vote of two-thirds of all the members elected to each house, as
1-52 provided by Section 39, Article III, Texas Constitution. If this
1-53 Act does not receive the vote necessary for immediate effect, this
1-54 Act takes effect September 1, 2011.

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