

Amend CSHB 613 (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Subtitle A, Title 6, Occupations Code, is amended by adding Chapter 1003 to read as follows:

CHAPTER 1003. VOLUNTARY REGISTRATION OF FOUNDATION REPAIR

CONTRACTORS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1003.001. SHORT TITLE. This chapter may be cited as the Foundation Repair Contractors Registration Act.

Sec. 1003.002. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(3) "Executive director" means the executive director of the department.

(4) "Foundation" means that portion of the structure of a residential property, other than a column, that serves the function of:

(A) supporting an overlying structure;

(B) providing a base for an overlying structure;

or

(C) transmitting loads from an overlying structure to the underlying soils.

(5) "Foundation repair contracting" means performing or offering to prepare an estimation or to perform the preparation for, installation of, or construction functions in connection with the repair or maintenance of a foundation.

Sec. 1003.003. EXEMPTIONS. This chapter is not intended to confer any requirements or benefits on:

(1) an individual licensed as an engineer under Chapter 1001; or

(2) a person who, for compensation:

(A) constructs or remodels a single-family home or duplex;

(B) supervises or manages the construction or remodeling of a single-family home or duplex; or

(C) contracts for the supervision or management of the construction or remodeling of a single-family home or duplex.

SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION AND DEPARTMENT

Sec. 1003.051. RULES. The commission shall adopt rules as necessary to implement this chapter, including rules:

(1) regarding the requirements to obtain and renew a registration under this chapter;

(2) governing the use, display, and advertisement of a registration issued under this chapter;

(3) regarding advertising in relation to an offer to perform foundation repair contracting; and

(4) relating to administrative sanctions that may be imposed on a person under this chapter.

Sec. 1003.052. CONTRACTS FOR ENFORCEMENT. The department may contract with another state agency or political subdivision of this state to enforce this chapter and rules adopted under this chapter.

Sec. 1003.053. PERSONNEL. The department may employ personnel necessary to administer this chapter.

Sec. 1003.054. DIRECTORY OF REGISTRATION HOLDERS. The department shall maintain a directory of registration holders and make the directory available to the public on the Internet.

Sec. 1003.055. FEES. The commission shall establish and the department shall collect reasonable and necessary fees in amounts sufficient to cover the costs of administering this chapter.

Sec. 1003.056. CRIMINAL HISTORY BACKGROUND CHECK. The department may obtain criminal history record information under Subchapter F, Chapter 411, Government Code, for an applicant for or holder of a registration under this chapter.

SUBCHAPTER C. VOLUNTARY REGISTRATION REQUIREMENTS

Sec. 1003.101. ADVERTISING FOUNDATION REPAIR WORK; REGISTRATION. (a) Registration under this chapter is voluntary.

(b) Unless the person holds an appropriate registration issued under this chapter, a person may not use the term "registered" in an advertisement to perform foundation repair

contracting.

(c) A registration issued under this chapter is not transferable and may be used only by the person listed on the registration.

Sec. 1003.102. FOUNDATION REPAIR CONTRACTOR REGISTRATION.

(a) A foundation repair contractor registration entitles the registration holder to advertise as a registered foundation repair contractor.

(b) An applicant for a registration under this chapter must:

(1) be at least 21 years of age;

(2) have at least 60 months of documented, practical work experience performing foundation repair contracting during the preceding 10 years or substantially equivalent experience as determined by the department;

(3) pass a criminal history background check; and

(4) pass an examination administered by the department.

(c) The department may waive the examination requirement under Subsection (b)(4) if the department determines that the applicant meets the experience requirements of this chapter. This subsection expires December 31, 2015.

Sec. 1003.103. APPLICATION. (a) An applicant for a

registration must submit an application on the form prescribed by the executive director.

(b) The application for a registration must include a statement containing evidence satisfactory to the department of the applicant's required practical experience.

(c) The applicant must submit any other information required by the executive director or by commission rule.

(d) The department may deny an application for a registration or for the renewal of a registration if the applicant has previously had a registration under this chapter revoked or if the applicant has violated an order of the commission or the executive director, including an order imposing sanctions.

Sec. 1003.104. EXAMINATIONS. (a) The executive director

shall prescribe an examination for a registration under this chapter.

(b) The executive director shall prescribe the method and content of an examination required under this chapter and may approve and accept results of an examination administered by another organization.

Sec. 1003.105. ISSUANCE AND TERM OF REGISTRATION. (a) The department shall issue a registration to an applicant who meets the requirements of this chapter and rules adopted under this chapter.

(b) A registration issued under this chapter is valid for one year and expires on the first anniversary of the date the registration is issued.

Sec. 1003.106. RENEWAL OF REGISTRATION. To renew a registration, the registration holder must:

(1) submit a renewal application in the form prescribed by the executive director;

(2) pay the required fee;

(3) show evidence of having completed the continuing education requirements established under Section 1003.162, if applicable;

(4) pass a criminal background check.

Sec. 1003.107. CONTINUING EDUCATION. (a) The commission by rule shall recognize, prepare, or administer continuing education programs for registration holders. Each registration holder must complete a continuing education program before the registration holder may renew the registration.

(b) A person recognized by the commission to offer a continuing education program must:

(1) register with the department; and

(2) comply with rules adopted by the commission relating to continuing education.

#### SUBCHAPTER D. LOCAL REGULATION

Sec. 1003.151. DEFINITIONS. In this subchapter:

(1) "Local political subdivision" means a county or municipality in which a person seeks to perform foundation repair work or foundation repair contracting.

(2) "Local regulation" means an order adopted by a county commissioners court or an ordinance or other regulation adopted by a municipality.

Sec. 1003.152. APPLICATION OF LOCAL ORDINANCE. This chapter does not affect a person's obligation to comply with a local regulation establishing a permit, inspection, or approval process in connection with foundation repair work.

Sec. 1003.153. LOCAL STANDARDS. A person who holds a registration issued under this chapter is not required to hold a license or registration issued by a local political subdivision or take an examination required by a local regulation to engage in foundation repair work or foundation repair contracting.

SUBCHAPTER E. ENFORCEMENT

Sec. 1003.201. PROHIBITED PRACTICES. (a) A registration holder may not perform or offer or attempt to perform an act, service, or function that is:

(1) defined as the practice of engineering under Chapter 1001, unless the individual holds a license under that chapter;

(2) defined as the practice of architecture under Chapter 1051, unless the individual holds a registration under that chapter;

(3) regulated under Chapter 113, Natural Resources Code, unless the individual holds a license or is exempt by rule under that chapter; or

(4) defined as plumbing under Chapter 1301, unless the individual holds a license under that chapter.

(b) A registration holder may not:

(1) fail to provide services for which payment has been made;

(2) fail to honor the terms of a contract in the absence of a good faith dispute;

(3) knowingly misrepresent a necessary service, service to be provided, or service that has been provided;

(4) make a fraudulent promise to induce an individual to contract for a service; or

(5) perform foundation repair work that requires a permit from a political subdivision without first obtaining the required permit.

Sec. 1003.202. ADMINISTRATIVE SANCTIONS. The commission

may impose administrative sanctions as provided by Section 51.353 against a registration holder under this chapter in the same manner as the commission may against a license holder under other regulatory programs administered by the department.

SECTION 2. (a) The Texas Commission of Licensing and Regulation shall adopt rules to implement Chapter 1003, Occupations Code, as added by this Act, not later than February 1, 2014.

(b) Not later than March 1, 2014, the Texas Commission of Licensing and Regulation shall begin accepting applications for and issuing registrations under Chapter 1003, Occupations Code, as added by this Act.

SECTION 3. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2013.

(b) Section 1003.101, Occupations Code, as added by this Act, takes effect September 1, 2014.