

BILL ANALYSIS

C.S.H.B. 2157
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Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have raised concerns that a lawn irrigation system may be repaired and maintained by a person without an irrigator's license because the person can offer the service more cheaply than a licensed installer. The parties note that many municipal and county judges will not prosecute unlicensed irrigation repair and maintenance people or persons offering or providing various system-related services because state law only addresses irrigation system installation. C.S.H.B. 2157 seeks to address these concerns by expanding the conduct that constitutes the offense of installing an irrigation system without an irrigator's license to include various irrigation system-related services.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2157 amends the Occupations Code to expand the conduct that constitutes the Class C misdemeanor offense of installing an irrigation system without an irrigator's license to include selling, designing, maintaining, altering, repairing, servicing, and providing consultation services for an irrigation system, including the connection of an irrigation system to a water supply, without such a license. The bill makes it a Class C misdemeanor to advertise or offer to perform irrigation system services or to represent to another person that the person is an irrigator without such a license.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2157 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 1. The heading to Section 1903.256, Occupations Code, is amended to read as follows:

Sec. 1903.256. UNLICENSED
~~[INSTALLATION OF]~~ IRRIGATION
SYSTEM SERVICES ~~[WITHOUT~~

~~LICENSE~~]; OFFENSE.

SECTION 1. Subchapter F, Chapter 1903, Occupations Code, is amended by adding Section 1903.256 to read as follows:

Sec. 1903.256. INSTALLATION, MAINTAINING AND REPAIRING OF IRRIGATION SYSTEM WITHOUT LICENSE; OFFENSE.

(a) Unless exempt under Section 1903.002, a person commits an offense if the person installs, maintains or repairs an irrigation system without holding a license issued by the commission under Chapter 37, Water Code.

(b) An offense under this section is a Class C misdemeanor.

~~No equivalent provision.~~

SECTION 2. This Act takes effect September 1, 2013

SECTION 2. Section 1903.256, Occupations Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Unless exempt under Section 1903.002, a person commits an offense if the person sells, designs, installs, maintains, alters, repairs, services, or provides consultation services for an irrigation system, including the connection of an irrigation system to a water supply, without holding a license issued by the commission under Chapter 37, Water Code.

(a-1) Unless exempt under Section 1903.002, a person commits an offense if the person, without holding a license issued by the commission under Chapter 37, Water Code:

- (1) advertises or offers to perform the services described by Subsection (a); or
- (2) represents to another person that the person is an irrigator.

~~No equivalent provision.~~

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. Same as introduced version.