

By: J. Davis of Harris

H.B. No. 3242

A BILL TO BE ENTITLED

AN ACT

relating to roofing contractors; creating an offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 110 to read as follows:

CHAPTER 110. ROOFING CONTRACTORS

Sec. 110.001. DEFINITION. In this chapter, "roofing contractor" means a person who, for compensation, provides a roofing service, including the installation, construction, maintenance, service, repair, alteration, or modification of any part of a roof.

Sec. 110.002. PROHIBITED CONDUCT. A roofing contractor may not:

(1) assist a customer to obtain payment under an insurance policy for a roofing service or product provided by the contractor, without regard to whether the contractor is compensated for providing the assistance; or

(2) bear the cost, directly or indirectly, of an insurance policy deductible applicable to a roofing service or product provided by the contractor.

Sec. 110.003. PROHIBITED AGREEMENT. A roofing contractor may not enter into an agreement with a customer or potential customer under which the contractor agrees to engage in conduct prohibited by Section 110.002.

1       Sec. 110.004. REQUIRED DISCLOSURE OF LIABILITY INSURANCE  
2 COVERAGE. Before or at the time of entering into a contract for a  
3 roofing service, a roofing contractor must disclose in writing to  
4 the customer or potential customer whether the contractor is  
5 covered by a liability insurance policy that covers the contractor  
6 for liability for damages arising out of the provision of roofing  
7 services. At the request of the customer or potential customer, the  
8 roofing contractor shall provide to the customer or potential  
9 customer a copy of the declarations page of any applicable  
10 liability insurance policy.

11       Sec. 110.005. INSURANCE ADJUSTERS. An insurance adjuster  
12 licensed under Chapter 4101, Insurance Code, or a public insurance  
13 adjuster licensed under Chapter 4102, Insurance Code, may not  
14 engage in business as a roofing contractor.

15       Sec. 110.006. OFFENSE. A person commits an offense if the  
16 person is a roofing contractor and violates this chapter. An  
17 offense under this section is a Class C misdemeanor.

18       SECTION 2. Chapter 4101, Insurance Code, is amended by  
19 adding Subchapter F to read as follows:

20                       SUBCHAPTER F. PROHIBITED CONDUCT

21       Sec. 4101.251. CERTAIN                   ROOFING-RELATED                   BUSINESS  
22 PROHIBITED. A licensed adjuster may not engage in business as a  
23 roofing contractor, as that term is defined by Section 110.001,  
24 Business & Commerce Code.

25       SECTION 3. Subchapter D, Chapter 4102, Insurance Code, is  
26 amended by adding Section 4102.163 to read as follows:

27       Sec. 4102.163. CERTAIN                   ROOFING-RELATED                   BUSINESS

1 PROHIBITED. A license holder may not engage in business as a  
2 roofing contractor, as that term is defined by Section 110.001,  
3 Business & Commerce Code.

4 SECTION 4. This Act takes effect September 1, 2013.