

By: Capriglione

H.B. No. 3293

A BILL TO BE ENTITLED

AN ACT

relating to the voluntary certification of roofing companies by the Texas Department of Licensing and Regulation; authorizing fees.

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

SECTION 1. Title 8, Occupations Code, is amended by adding Chapter 1306 to read as follows:

CHAPTER 1306. ROOFING COMPANIES

Sec. 1306.001. 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) "Roofing company" means a business entity that engages in installing, repairing, replacing, or modifying a roof on a residence or other building for the public.

Sec. 1306.002. VOLUNTARY CERTIFICATION PROGRAM FOR ROOFING COMPANIES; EXEMPTION. (a) The commission by rule shall develop a voluntary certification program for roofing companies under this chapter.

(b) A roofing company that holds a certificate issued under this chapter may advertise that the company is certified by the state.

1 (c) A person who performs roofing services for the new
2 construction or remodeling of a commercial or residential structure
3 is exempt from this chapter.

4 Sec. 1306.003. FEES. The commission may establish
5 reasonable and necessary fees in amounts sufficient for the
6 administration of this chapter.

7 Sec. 1306.004. CERTIFICATE; EXPIRATION. (a) The executive
8 director may issue a certificate to a roofing company that meets the
9 requirements of Section 1306.005.

10 (b) A certificate issued under this chapter expires on the
11 first anniversary of the date the certificate is issued.

12 Sec. 1306.005. APPLICATION. (a) An applicant for a roofing
13 company certificate must submit an application to the department on
14 a form prescribed by the executive director.

15 (b) The application must be accompanied by:

16 (1) proof of the roofing company's existence and
17 authority to conduct business in this state under a certificate of
18 status issued by the secretary of state;

19 (2) proof of general liability insurance coverage as
20 required by the commission; and

21 (3) the application fee.

22 Sec. 1306.006. RENEWAL OF CERTIFICATE. (a) To renew a
23 certificate, a person must submit an application for renewal to the
24 department on a form prescribed by the executive director.

25 (b) The application must be accompanied by:

26 (1) proof that the applicant's right to transact
27 business in this state is intact under a certificate of status

1 issued by the secretary of state;

2 (2) proof that the applicant's required insurance
3 coverage is current; and

4 (3) the renewal fee.

5 Sec. 1306.007. REVOCATION OF CERTIFICATE. (a) The
6 department shall revoke the certificate issued by the department
7 under this chapter if the department determines that:

8 (1) the certificate holder's right to transact
9 business in this state under a certificate of status issued by the
10 secretary of state has terminated; or

11 (2) the certificate holder has failed to maintain
12 insurance required under this chapter.

13 (b) Section 51.354 applies to the revocation of a
14 certificate under this chapter.

15 Sec. 1306.008. DECEPTIVE TRADE PRACTICE. A roofing company
16 that advertises that the company is certified by the state commits a
17 false, misleading, or deceptive act or practice within the meaning
18 of Section 17.46, Business & Commerce Code, if:

19 (1) the roofing company does not hold a current
20 certificate issued under this chapter; or

21 (2) the roofing company's certificate issued under
22 this chapter was revoked.

23 SECTION 2. The Texas Commission of Licensing and Regulation
24 shall adopt rules necessary to implement Chapter 1306, Occupations
25 Code, as added by this Act, on or before January 1, 2018.

26 SECTION 3. The Texas Department of Licensing and Regulation
27 may issue a certificate under Chapter 1306, Occupations Code, as

1 added by this Act, on or after March 1, 2018.

2 SECTION 4. (a) Except as provided by Subsection (b) of this
3 section, this Act takes effect September 1, 2017.

4 (b) Section 1306.008, Occupations Code, as added by this
5 Act, takes effect March 1, 2018.