86R12503 SOS-F

By:  Zaffirini S.B. No. 1626

A BILL TO BE ENTITLED

AN ACT

relating to abolishing the licensing and regulation of mold assessors and remediators.

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

SECTION 1.  Section 544.303, Insurance Code, is amended to read as follows:

Sec. 544.303.  PROHIBITION OF CERTAIN UNDERWRITING DECISIONS BASED ON PREVIOUS MOLD CLAIM OR DAMAGE. An insurer may not make an underwriting decision regarding a residential property insurance policy based on previous mold damage or a claim for mold damage if:

(1)  the applicant for insurance coverage has property eligible for coverage under a residential property policy;

(2)  the property has had mold damage;

(3)  mold remediation has been performed on the property; and

(4)  the property was [~~:~~

[~~(A) remediated, as evidenced by a certificate of mold remediation issued to the property owner under Section 1958.154, Occupations Code, that establishes with reasonable certainty that the underlying cause of the mold at the property has been remediated; or~~

[~~(B)~~] inspected and certified by an independent assessor, adjuster, or person or entity experienced in the remediation of mold damage, as prescribed by the department, [~~or adjustor~~] who determined, based on the inspection, that the property does not contain evidence of mold damage.

SECTION 2.  Chapter 1958, Occupations Code, is repealed.

SECTION 3.  (a) On the effective date of this Act:

(1)  a license or registration issued under former Chapter 1958, Occupations Code, expires; and

(2)  an action, including a complaint investigation, disciplinary action, or administrative penalty proceeding pending before the Texas Department of Licensing and Regulation relating to an alleged violation of former Chapter 1958, Occupations Code, is dismissed.

(b)  As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall repeal all rules regarding the regulation of mold assessors and remediators adopted under former Chapter 1958, Occupations Code.

(c)  An administrative penalty assessed by the Texas Commission of Licensing and Regulation or the executive director of the Texas Department of Licensing and Regulation related to a violation of former Chapter 1958, Occupations Code, before the effective date of this Act, may be collected as provided by Chapter 51, Occupations Code.

(d)  A mold remediation initiated before the effective date of this Act is governed by former Section 1958.154, Occupations Code, as that section existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose. A person who held on the effective date of this Act a mold assessment or mold remediation license under former Chapter 1958, Occupations Code, may sign and provide a certificate of mold remediation after the effective date of this Act for a mold remediation initiated before the effective date of this Act.

(e)  The change in law made by this Act applies only to a contract entered into or renewed on or after the effective date of this Act. A contract entered into or renewed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(f)  As soon as practicable after the effective date of this Act, the commissioner of insurance shall adopt rules required by Section 544.303, Insurance Code, as amended by this Act.

SECTION 4.  This Act takes effect September 1, 2019.